
MISSISSIPPI

ADVANCE SHEETS

2012 Legislative Session
General Laws



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MISSISSIPPI GENERAL LAWS ADVANCE SHEETS 2012

Regular Session

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Matthew Bender & Company, Inc.
701 E Water Street, Charlottesville, VA 22902-5389

PREFACE

Contents; publication schedule.

The 2012 Advance Sheets of the General Laws of Mississippi are part of the supplementation service for your official *Mississippi Code of 1972 Annotated*, and consist of a series of pamphlets issued during the 2012 Legislative Session of the State of Mississippi. The purpose of this service is to provide you with the most timely legislative information possible, and to make the most recent changes to the *Mississippi Code* available to you in an easy-to-use format.

The Advance Sheets contain all public acts enacted by the Legislature and approved by the Governor during the 2012 Regular Session. This pamphlet, the third in the series, contains the last of the general bills signed by the Governor. Appropriation bills and private and local bills are not included in the Advance Sheets.

The acts are arranged in order by House Bill and Senate Bill number, with House Bills appearing first. This final pamphlet contains a cumulative table of House Bills and Senate Bills and their corresponding chapter numbers.

Summary of acts; tables; index.

To assist you in locating pertinent legislation, the Advance Sheets include several tables and other features prepared by the editorial staff of the publisher. Included in this Pamphlet 3 are the following:

- a **Summary of Acts** summarizing the subject of each act in the pamphlet;
- **Cumulative Legislative Summaries** giving brief descriptions of important legislation;
- a **Cumulative Table of Code Sections Affected** showing the impact of legislation on sections of the *Code*;
- a comprehensive, cumulative **Index**, with headings based on the headings that are used in the general index to the *Code*.
- a **Cumulative Allocation of Acts Table** showing each general law and its effect on the section of the *Code*;
- **Cumulative Tables of House Bills and Senate Bills** and their corresponding chapter numbers.

As an added research feature, we have included an individual **Act Summary** preceding each General Law. This summary contains (1) a description of the act, (2) the legislative history of the act, (3) background information, such as the effective date and disposition of the act, (4) the House and Senate committees to which the act was referred, (5) the principal author of the act, and (6) a list of the *Code* sections affected by the act. To better utilize these act summaries, you should be familiar with the following abbreviations and their meanings:

- Under the heading “Background Information”
“VRA” = Voting Rights Act

PREFACE

“App. Req.” = Approval Required

- Under the heading “Code Sections”
 - “A” = Amended
 - “R” = Reenacted
 - “RA” = Reenacted and Amended
 - “RP” = Repealed
 - “BF” = Brought Forward

Treatment of acts in the Advance Sheets.

The most recent General Laws are printed herein exactly as passed. No corrections or other editorial changes have been made.

The Legislature has indicated changes to *Code* materials by using the following symbols:

- Single underscoring of material appearing in an act indicates text that will appear as newly added language in the *Mississippi Code*. For an entirely new section, the section number will be underscored. Double underscoring in the text of an act reflects an amendment to the language of the original bill.
- Triple asterisks (***) appearing in an act indicate the deletion of text from a section of the *Mississippi Code*. Where asterisks appear on a line by themselves, the deletion of one or more paragraphs is indicated.

Treatment of acts in *Mississippi Code of 1972 Annotated*.

It is IMPORTANT to note that the treatment of some legislation, when it later appears in the *Mississippi Code of 1972 Annotated*, may be subject to change for various reasons. For example:

- Certain sections of the acts printed in this Advance Sheet were not assigned *Code* section numbers; in these instances, the publisher’s staff of legal analysts will suggest *Code* section designations, and these recommendations will be sent to the Joint Legislative Committee on Compilation, Revision and Publication of Legislation for approval;
- *Code* section number assignments might be changed, pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with previously existing section numbers or because of other refinements made during the editorial process; or
- Text of sections might be changed, also pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with other approved legislation from the 2012 Legislative Session.

Any such changes will be reflected in the 2012 *Mississippi Code of 1972 Annotated* supplements and replacement volumes.

PREFACE

Information, suggestions, comments, and questions.

Visit the LexisNexis website at <http://www.lexisnexis.com> to find an online bookstore, technical support, customer service, and other company information.

Suggestions, comments, or questions about the *Mississippi Code* or the Advance Sheets are always welcome. You may contact us by calling us toll-free at (800) 833-9844, faxing us toll-free at (800) 643-1280, e-mailing us at customer.support@bender.com, or writing to *Mississippi Code* Editor, Matthew Bender & Co., Inc., 701 E Water St., Charlottesville, Virginia 22902-5389.

July 2012

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SUMMARY OF ACTS

Summary of Acts

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of important legislation enacted during

2012 Legislative Session of the State of Mississippi

ABORTION

Act requires that physicians performing abortions in abortion facilities be board certified in obstetrics and gynecology and have admitting privileges at a local hospital. **HB 1390**

ACCESSORIES AFTER THE FACT

Act revises the penalty where the felony was a violent crime. **HB 1108**

ADMINISTRATIVE PROCEDURE

Act creates the small business regulatory flexibility act to provide for more flexibility in rulemaking for small businesses. **SB 2398**

ADOPTION

Act requires compliance with the interstate compact for placement of children and the Indian child welfare act, and provides that a home study is required prior to placement. **HB 1268**

ADVANCE HEALTH DIRECTIVES

Act authorizes appointment of a guardian to make health care decisions for an offender lacking capacity and when no relative is available. **SB 2854**

AGRITOURISM

Act is enacted to provide for limited liability for persons engaged in agritourism activities. **SB 2439**

AIR POLLUTION

Act removes the maximum annual fee limitation for air operating permits under Title V of the Federal Clean Air Act. **SB 2812**

AIRPORTS AND AIRCRAFT

Act creates a lien on aircraft landing at an airport of an airport authority for the full amount of landing fees or other rates and charges. **SB 2336**

LEGISLATIVE SUMMARIES

Act extends the repealer regarding an income tax credit for use of airport and port facilities. **SB 2613**

Act authorizes certain powers and duties, joint or mutual aid agreements, and lease of oil, gas or mineral interests by airport authorities. **SB 2885**

ALCOHOLIC BEVERAGES

Act prohibits beer or light wine permittees to accept certain coupons as full or partial payment. **HB 1250**

Act sets out which permits may be issued by department. **SB 2368**

Act authorizes the transportation, sale and storage of beer with an alcoholic content of more than 8% by weight. **SB 2370**

Act provides for the sale of alcohol in municipalities voting to come out from under the dry laws. **SB 2497**

Act authorizes beer sampling or tasting on premises of a brewery. **SB 2600**

Act expands the definition of a restaurant to include buildings in certain historic districts. **SB 2607**

Act revises the alcoholic content of beer and provides for regulation of light wine along with beer. **SB 2878**

ANATOMICAL GIFTS

Act enacts the revised Mississippi uniform anatomical gift act (UAGA). **SB 2685**

ART THERAPISTS

Act sets out the duties of the state board of health in relation to credentialing of art therapists. **SB 2526**

ATTORNEY GENERAL

Act provides requirements for retention of independent outside counsel by the attorney general. **HB 211**

BABY DROP-OFF LAW

Act protects the anonymity of parents seeking relief under the law. **SB 2479**

LEGISLATIVE SUMMARIES

BAIL AND RECOGNIZANCE

Act allows for contracting with soliciting and enforcement agents to manage the affairs of a deceased agent who had been acting as a personal surety agent. **HB 631**

Act provides for relicensing of a soliciting or enforcement bail agent after cessation of employment with a professional bail agent. **HB 631**

BANKS AND FINANCIAL INSTITUTIONS

Act creates a self-assessment privilege, where such reports are not admissible as evidence or subject to discovery and not considered public records. **HB 1460**

BEES

Act provides for administrative proceedings in case of a violation of provisions regulating bees and bee diseases. **HB 634**

BLIND AND VISUALLY IMPAIRED PERSONS

Act amends the requirements for educational services to blind and visually impaired students. **HB 960**

Act creates the certified teach of the visually impaired scholarship program. **HB 1032**

BOLL WEEVILS

Act extends the repealer on the annual audit of the boll weevil management corporation trust fund. **SB 2316**

BUILDERS AND REMODELERS

Act provides for exemptions from the residential builders and remodelers act and sets out the requirements for carrying liability insurance. **SB 2533**

BUILDING CODES

Act provides that exceptions to local building code enforcement do not apply to flood plain management ordinances or regulations. **HB 773**

Act requires the building code council to submit a report with recommendations for a statewide mandatory building code. **SB 2651**

BUSINESS ENTITIES

Act generally amends the provisions regarding various business entities. **HB 789**

LEGISLATIVE SUMMARIES

Act enacts the Mississippi registered agents act. **HB 1162**

Act provides for the tax treatment when a controlled corporation distributes stock and securities. **HB 1519**

BUSINESS IMPROVEMENT DISTRICTS

Act extends the reauthorization period and the number of participating property owners necessary to adopt a reauthorization. **HB 968**

CAPITOL BUILDING AND GROUNDS

Act provides for the appointment of the capitol building curator by the department of archives and history. **HB 269**

CELL PHONES

Act sets out requirements for sellers of portable electronics insurance. **HB 894**

CEMETERIES

Act requires payment into a perpetual care trust fund for above-ground, free-standing or private mausoleums. **SB 2580**

CHANCERY COURTS

Act provides for judicial salaries and deposits into judicial system operation fund and other funds to provide funding for judicial salaries. **HB 484**

CHILD SUPPORT

Act clarifies the method of requesting modification of an order and that the order is to include notice that medical support for the child was ordered. **HB 1157**

Act provides that payment of child care expenses by the obligee overcomes the presumption that the guidelines are appropriate. **HB 1157**

CHURCHES

Act creates a sales and use tax exemption for the sale of utilities to churches. **HB 582**

CIGARETTES AND TOBACCO PRODUCTS

Act provides that a minor who violates other laws and is found in possession of tobacco products, will service community service time in addition to any other punishment. **SB 2798**

LEGISLATIVE SUMMARIES

CIRCUIT COURT

Act sets forth the clerk's fee for docketing and filing of a notice of renewal of judgment in circuit courts. **HB 361**

Act provides for judicial salaries and deposits into judicial system operation fund and other funds to provide funding for judicial salaries. **HB 484**

COLLEGES AND UNIVERSITIES

Act provides that repayment of awards by critical needs teacher scholarship program participants are to be deposited in the consolidated revolving loan fund. **HB 860**

Act authorizes the department of finance and administration to sell and convey state-owned property under the control of the University of Southern Mississippi Gulf Coast. **HB 866**

Act revises the scope of authority for the commission on college accreditation. **HB 1086**

Act allows for waiver of out-of-state tuition according to the discretion of the board of trustees of state institutions of higher learning. **HB 1095**

Act revises the use of bond proceeds allocated to Mississippi State university. **HB 1245**

Act authorizes the University of Southern Mississippi to borrow funds to operate registered nurse anesthetist programs at the Hattiesburg campus. **SB 2572**

COMMON CARRIERS

Act enacts the public safety verification and enforcement act, which establishes a common carrier-based motor vehicle insurance verification system. **SB 2631**

COMMUNITY COLLEGES

Act requires the community college board to designate workforce development centers to provide training for persons to be employed in the motion picture industry. **SB 2655**

CONCEALED WEAPONS LICENSES

Act revises the conditions for entry into reciprocal agreements with other states. **HB 695**

LEGISLATIVE SUMMARIES

CONTRACTORS

Act provides that a subcontractor providing work and materials is authorized to receive a copy of the general contractor's surety bond. **HB 1301**

Act provides for bid submission procedures and hiring policies on public works projects using funds from a federally declared disaster or spill. **SB 2622**

Act requires an endorsement or written authorization when a contractor negotiates a draft for payment owed to a subcontractor. **SB 2902**

CORRECTIONS DEPARTMENT

Act clarifies that a person committed to a penal institution is committed to the department of corrections, not the institution. **HB 369**

Act creates the community service revolving fund, sets out which funds receive deposits and extends the repealer date. **HB 422**

Act requires a PEER committee to submit inmate cost per day report and to develop a current cost-based model, prior to entering into private correctional services contracts. **HB 440**

Act extends the repealer regarding the Bolivar county regional facility alcohol and drug treatment program. **HB 454**

Act establishes a youthful offender unit (YOU) at the Central Mississippi correctional facility. **HB 523**

Act removes the requirement that offenders housed at the Walnut Grove correctional facility be under the age of 22. **HB 523**

Act increases the threshold amount for contracts requiring approval by the public procurement review board. **HB 525**

Act requires the department to maintain an offender's cover sheet with requests for offender records, also known as "pen-pack." **SB 2486**

COUNTERFEITING

Act clarifies the offense of selling or vending counterfeit goods. **SB 2549**

LEGISLATIVE SUMMARIES

COUNTIES

Act authorizes a county board of supervisors to enter into development agreements regarding master planned communities. **HB 263**

Act authorizes a county to adopt orders, resolutions or ordinances that apply to a clearly defined geographic area. **HB 515**

Act authorizes counties and municipalities to donate funds to support of farmers' markets. **HB 535**

Act revises the procedures regarding cleaning of private property determined to be a menace to public health and safety, providing for a notice of hearing and imposing a penalty on the owner. **HB 545**

Act revises the procedures for changing the boundaries of supervisor districts. **HB 585**

Act extends the repealer date for the forest acreage tax. **HB 747**

Act prohibits certain conflicts of interest in the process for selecting a bank as a depository for county funds. **HB 966**

Act increases the minimum purchase cost requiring a requisition or purchase order for the county central purchase system. **HB 998**

Act permits county or municipality to enter into agreements with economic development projects for the provision of certain utilities. **HB 1255**

Act repeals the preapproval requirement for counties or municipalities desiring to acquire or create a geographic information system. **HB 1407**

Act regulates the acres of land that a county board of supervisors may acquire for a highway workstation. **SB 2349**

Act clarifies the publications in which localities must advertise for the promotion of tourism. **SB 2355**

Act provides requirements for the sale or disposal of personal property belonging to a county, municipality or school board. **SB 2534**

Act authorizes the investment of surplus funds in interest-bearing accounts. **SB 2567**

LEGISLATIVE SUMMARIES

Act revises the procedures for calling an emergency meeting of the board of supervisors. **SB 2884**

COURT OF APPEALS

Act provides for judicial salaries and deposits into judicial system operation fund and other funds to provide funding for judicial salaries. **HB 484**

DENTISTS

Act removes the repealer on provision relating to contracts between health care entities and dentists relating to dental care benefits. **SB 2324**

DEVELOPMENT AUTHORITY

Act authorizes the salary of the executive director. **HB 1349**

Act amends the small business investment act, clarifying the procedures for small business investment credits. **SB 2659**

DIRT BIKES

Act requires that operators of off-road vehicles wear a helmet and receive off-road vehicle training. **HB 1203**

DOGS

Act authorizes schools to use dogs to detect diabetes, epilepsy and other conditions in schools and public places. **HB 1405**

Act removes the automatic repealer from the provision prohibiting fighting among dogs or hogs. **SB 2504**

DOMESTIC VIOLENCE

Act makes technical corrections to the address confidentiality program. **HB 159**

Act clarifies the provisions regarding domestic abuse protection orders. **HB 780**

DRIVERS' LICENSES

Act provides that photograph fees be used to defray the cost of future technology initiatives. **HB 1235**

Act authorizes contributions to the litter prevention fund from driver license applicants. **SB 2109**

LEGISLATIVE SUMMARIES

Act authorizes and requires a designation of Vet on drivers' licenses for veterans. **SB 2461**

DRIVING UNDER THE INFLUENCE

Act creates a separate offense of endangering a child by driving under the influence. **HB 681**

DRUGS AND CONTROLLED SUBSTANCES

Act provides that a drug task force may collect drugs brought to the task force and transport them to the Bureau of Narcotics incinerator for disposal. **HB 423**

Act revises Schedule I of the controlled substances law. **HB 730**

Act revises the prohibited acts constituting unlawful obtaining or possession of controlled substances or legend drugs. **HB 1355**

Act revises the value threshold for the administrative forfeiture of property other than controlled substances. **HB 1507**

Act prohibits the false representation of anything as a controlled substance. **SB 2186**

DYSLEXIA

Act creates the dyslexia therapy scholarship for students with dyslexia. **HB 1031; HB 1032**

ELECTIONS

Act requires person to present identification before voting, and provides for a memorandum of understanding for the purpose of providing a voter identification card. **HB 921**

Act requires a petition for judicial review of an election involving the decision of an executive committee to be filed in circuit court. **HB 993**

Act sets out the manner in which the supreme court is to make judges available to hear election day contests or disputes. **HB 994**

Act requires that absentee ballots and applications be processed through the statewide election management system. **HB 995**

Act clarifies the provisions regarding the procedures for election of school district boards of trustees. **SB 2074**

LEGISLATIVE SUMMARIES

Act provides that vote fraud is a disqualifying conviction for voter registration. **SB 2227**

Act clarifies the definition of absent voter, provides for electronic signatures on absentee ballots, and revises the deadline for received of an absentee ballot by the registrar. **SB 2552**

Act creates a task force to study the election laws. **SB 2772**

ELECTRONIC TRANSACTIONS

Act revises the definition of "written" for purposes of the uniform electronic transactions act. **SB 2855**

EMERGENCIES OR DISASTERS

Act provides for a premium discount or rate reduction for building or retrofitting property to resist damage from hurricane or windstorm events. **HB 1410**

Act revises the procedures for calling an emergency meeting of the board of supervisors. **SB 2884**

EMERGENCY VEHICLES

Act revises the definition of authorized emergency vehicle. **SB 2283**

Act provides an exemption from the window tint law for fire department vehicles. **SB 2321; SB 2493**

ENGINEERS

Act provides that the engineers licensing law is not applicable to activities relating to litigation. **SB 2474**

FAIRS

Act authorizes the Mississippi fair commission to contract with entities for use of the state fairgrounds. **SB 2912**

FALSE REPORT OF CRIME

Act revises the penalty for falsely reporting a crime. **SB 2494**

FARMERS' MARKETS

Act authorizes counties and municipalities to donate funds to support of farmers' markets. **HB 535**

LEGISLATIVE SUMMARIES

FIDUCIARIES

Act enacts the principal and income act of 2013 to replace the revised uniform principal and income law. **HB 732**

Act enacts the uniform prudent management of institutional funds act. **HB 1104**

FINANCE AND ADMINISTRATION DEPARTMENT

Act authorizes the department to sell and convey state-owned property under the control of the University of Southern Mississippi Gulf Coast. **HB 866**

Act removes the requirement that invoices for sales of goods and services to the state must be filed with the agency incurring the obligation. **HB 885**

Act authorizes the department to donate or convey property to Meridian community college, on behalf of department of public safety. **HB 895**

Act provides that the surplus lines premium tax does not apply to property risk written by the department on behalf of the state. **HB 1348**

FINES

Act imposes a state assessment on persons fined for traffic violations. **HB 878**

FIREARMS AND OTHER WEAPONS

Act creates the criminal offense of knowingly deceiving a licensed firearms dealer regarding firearm purchases. **HB 353**

Act repeals the requirement that dealers keep records of weapons sold. **HB 455**

Act revises the conditions for entry into reciprocal agreements with other states for concealed weapons licenses. **HB 695**

FIRES AND FIRE PREVENTION

Act authorizes the appointment of a state chief assistant deputy fire marshal. **HB 726**

Act authorizes mutual aid compacts for fire service agencies. **HB 1418**

LEGISLATIVE SUMMARIES

FISH AND WILDLIFE

Act revises the restrictions on commercial harvesting of oysters, by adding an exception for certain reefs approved by the commission. **HB 368**

Act extends the repeal date for certain provisions regarding the regulatory authority of the commission and department of wildlife, fisheries and parks. **HB 756**

Act revises the state assent to certain federal provisions, and provides that revenue from license sales will be under the exclusive control of the fish and wildlife agency. **HB 848**

Act clarifies the provisions regarding hunting on public roads while in possession of a loaded weapon and clarifies the definition of "unloaded weapon." **HB 1326**

Act allows the commission on marine resources to open shrimping areas in case of a disaster adversely affecting the shrimp fishery. **SB 2295**

Act extends the authority of the commission and department of wildlife, fisheries and parks to regulate hunting in noncommercial wildlife enclosures. **SB 2325**

Act provides for the penalty for violations regarding hunting deer in noncommercial wildlife enclosures. **SB 2325**

FLOOD CONTROL

Act provides that exceptions to local building code enforcement do not apply to flood plain management ordinances or regulations. **HB 773**

Act provides that floodplain management ordinances or regulations necessary for eligibility for flood insurance will apply retroactively to certain construction or improvement permits. **SB 2634**

FOREST ACREAGE TAX

Act extends the repealer date. **HB 747**

FREE PORT WAREHOUSES

Act extends the definition of free port warehouse to include facilities for the temporary storage and handling of property pending transit out of state, for the purpose of providing eligibility for a property tax exemption of such property. **SB 2342**

LEGISLATIVE SUMMARIES

FUNDS

Act imposes a state assessment on persons fined for traffic violations and creates named funds into which assessments are deposited. **HB 878**

FUNERAL SERVICES

Act extends the repealer date on sections relating to the state board of funeral services. **SB 2339**

Act provides for the regulation of funeral establishments, crematories, mortuary service establishments, and a funeral service training and apprenticeship program. **SB 2339**

Act, in relation to preneed cemetery and funeral contracts, defines and imposes certain requirements on substitute providers, restricts loan recipients from trust funds, and provides that preneed contracts are portable. **SB 2579**

HARBORS AND PORTS

Act extends the repealer regarding an income tax credit for use of airport and port facilities. **SB 2613**

HEALTH CARE INDUSTRY ZONE ACT

Act authorizes the development authority to certify health care industry zones and facilities, to allow for eligibility of certain tax exemptions. **HB 1537**

HEALTH INSURANCE

Act to be known as children's health insurance program act, transfers administration of program to division of Medicaid and establishes eligibility standards for receipt of benefits. **HB 316**

Act provides for the frequency of examination of insurers, including health maintenance organizations. **HB 434**

Act extends the repealer on the requirement for state contributions toward the cost of the state employees health insurance plan. **HB 703**

Act allows the commissioner of insurance to appoint a designee as a member of the state and school employees health insurance management board. **HB 768**

LEGISLATIVE SUMMARIES

Act removes the requirement that the state and school employees health insurance management board employ a deputy state insurance administrator. **HB 997**

Act removes the repealer on the provision relating to contracts between health care entities and dentists relating to dental care benefits. **SB 2324**

Act enlarges the board of directors of the comprehensive health insurance risk pool association by two additional members. **SB 2586**

HIGHWAY PATROL

Act removes the repealer date on the provisions regarding qualifications of members. **SB 2461**

HIGHWAYS

Act removes the restrictions on including an existing road or road segment in a new toll road, and that repair of an existing road cannot be tolled. **HB 815**

Act regulates the acres of land that a county board of supervisors may acquire for a highway workstation. **SB 2349**

HOGS

Act removes the automatic repealer from the provision prohibiting fighting among dogs or hogs. **SB 2504**

HOSPITALS AND OTHER HEALTH CARE FACILITIES

Act enacts provisions to define standards for prescribed pediatric extended care (PPEC) centers. **SB 2700**

HUMAN SERVICES DEPARTMENT

Act establishes the division of community services within the department and extends the repeal date on certain provisions regarding the department. **HB 833**

IDENTIFICATION CARDS

Act authorizes and requires a designation of Vet on cards for veterans. **SB 2461**

IMPLIED CONSENT LAW

Act authorizes electronic filing of citations for violations of the implied consent law. **HB 929; SB 2802**

LEGISLATIVE SUMMARIES

INCOME TAXES

Act authorizes public entities to create public benefit corporations in order to engage in new markets tax credit transactions. **HB 1257**

Act revises the time within which a qualified community development entity must issue a qualified equity investment in order to claim tax credit. **HB 1257**

Act provides for the tax treatment when a controlled corporation distributes stock and securities. **HB 1519**

Act authorizes the commissioner of revenue to establish free online income tax preparation and filing services. **SB 2605**

Act extends the repealer regarding an income tax credit for employers providing basic skills training. **SB 2609**

Act extends the repealer regarding an income tax credit for use of airport and port facilities. **SB 2613**

Act extends the repealer regarding an income tax credit for upholstered furniture manufacturing facilities. **SB 2656**

INDECENT EXPOSURE

Act provides for a separate penalty for second and subsequent offenses. **HB 681**

INFORMATION TECHNOLOGY SERVICES DEPARTMENT

Act directs the department, and the central data processing authority to manage state data centers to provide information technology on a cost-sharing basis. **HB 1450**

INSURANCE ADJUSTERS

Act provides the definition of “automated claims adjudication system,” clarifies the definition of “adjuster,” and prohibits denial of reciprocal license on basis of non-citizenship. **SB 2618**

INSURANCE COMPANIES AND PRODUCERS

Act provides for the frequency of examinations of insurers. **HB 434**

Act sets out requirements for sellers of portable electronics insurance. **HB 894**

LEGISLATIVE SUMMARIES

INSURANCE DEPARTMENT

Act extends the repeal date for the comprehensive hurricane damage mitigation program within the department of insurance. **SB 2578**

JUDGES AND JUSTICES

Act provides for judicial salaries and deposits into judicial system operation fund and other funds to provide funding for judicial salaries. **HB 484**

JUVENILE PROCEEDINGS

Act establishes the Tony Gobar individualized assessment and comprehensive community intervention initiative (IACCII) program for certain youth. **HB 710**

Act allows for the youth court intake unit to recommend referrals to the youth court drug court. **SB 2256**

Act revises the jurisdiction of youth courts regarding implied consent law violations, and revises certain provisions regarding juvenile detention centers. **SB 2598**

LEGISLATURE

Act requires a fiscal note to be published on legislative website for bills and concurrent resolutions involving spending or effect on state revenue. **SB 2561**

LEVEES AND LEVEE DISTRICTS

Act includes raw materials and works-in-process to be included in the tax credit for payment of ad valorem taxes to a levee district. **SB 2934**

LIMITED LIABILITY COMPANIES

Act extends the repealer on the provision regarding fees. **HB 416; SB 2858**

LITTER

Act authorizes contributions to the litter prevention fund from driver license applicants. **SB 2109**

LIVESTOCK

Act extends the repealer on the provision setting out the number of livestock shows or sales to be held free of charge at livestock facilities. **HB 411**

LEGISLATIVE SUMMARIES

MARRIAGE

Act revises the criteria under which a person may marry and apply for a marriage license. **SB 2851**

MEDICAID

Act authorizes the division of Medicaid to collect overpayments to providers. **HB 421**

Act extends the repealer dates on provisions establishing the division of Medicaid. **HB 421**

Act revises the provisions regarding reimbursement rates and methodologies. **HB 421**

Act sets out the time limitations for audits of claims or payments made by the division. **HB 1297**

Act authorizes the division of Medicaid to operate a data match system with financial institutions to verify assets of applicants and recipients. **HB 1391**

MENTAL HEALTH

Act sets out which health professionals may perform an assessment of persons being housed in county facilities. **SB 2710**

MILITARY

Act authorizes a municipal public body to establish a quorum by allowing videoconferencing of military personnel. **HB 448**

Act provides an exemption from ad valorem taxes on motor vehicles. **HB 750**

Act authorizes the Mississippi military family relief fund to make grants to families experiencing hardship when a military family member is deployed. **SB 2010**

MISSISSIPPI BURN FOUNDATION

Act authorizes a county property tax levy to support construction and operation of the Burn Center Lodge. **HB 544**

MISSISSIPPI DEVELOPMENT AUTHORITY

Act creates the emerging crops fund. **HB 633**

LEGISLATIVE SUMMARIES

MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY

Act authorizes the conveyance of property by the authority for purposes of economic development. **HB 1266**

MISSISSIPPI STATE UNIVERSITY

Act revises the use of bond proceeds allocated to Mississippi State university. **HB 1245**

MORTGAGES AND DEEDS OF TRUST

Act reenacts and generally amends the S.A.F.E. mortgage act. **SB 2897**

MOTION PICTURES

Act requires the community college board to designate workforce development centers to provide training for persons to be employed in the motion picture industry. **SB 2655**

MOTORCYCLES

Act requires that operators of off-road vehicles wear a helmet and receive off-road vehicle training, and clarifies the entity authorized to approve helmet standards. **HB 1203**

MOTOR VEHICLE INSURANCE

Act enacts the public safety verification and enforcement act, which establishes a common carrier-based motor vehicle insurance verification system. **SB 2631**

MOTOR VEHICLES

Act provides an exemption from the window tint law for fire department vehicles. **SB 2321; SB 2493**

Act provides an exemption from the window tint law for medical reasons. **SB 2493**

Act authorizes the issuance of distinctive special license plates. **SB 2661**

MUNICIPALITIES

Act authorizes a municipal public body to establish a quorum by allowing videoconferencing of military personnel. **HB 448**

Act authorizes counties and municipalities to donate funds to support of farmers' markets. **HB 535**

LEGISLATIVE SUMMARIES

Act authorizes a municipality to lease property less than 1500 square feet, but requires two appraisals on such property. **HB 987**

Act permits county or municipality to enter into agreements with economic development projects for the provision of certain utilities. **HB 1255**

Act repeals the preapproval requirement for counties or municipalities desiring to acquire or create a geographic information system. **HB 1407**
Act clarifies the publications in which localities must advertise for the promotion of tourism. **SB 2355**

Act provides requirements for the sale or disposal of personal property belonging to a county, municipality or school board. **SB 2534**

Act authorizes the investment of surplus funds in interest-bearing accounts. **SB 2567**

NEW HOME WARRANTY ACT

Act clarifies the definition of major structural defects. **SB 2223**

NURSING HOME ADMINISTRATORS

Act extends the repealer date on licensure requirements. **SB 2715**

OIL AND GAS

Act provides that liquefied petroleum gas permit applicants be competent and of good character in order to obtain a permit. **SB 2399**

PATERNITY PROCEEDINGS

Act clarifies the rescission period for a voluntary acknowledgement of paternity. **SB 2363**

PEARL RIVER INDUSTRIAL COMMISSION

Act sets out requirements regarding commission members appointed from Madison and Rankin counties. **SB 2703**

PEARL RIVER VALLEY WATER SUPPLY DISTRICT RESERVOIR

Act authorizes the reservoir police to participate in multijurisdictional training and operations. **SB 2814**

PHARMACISTS AND PHARMACY

Act provides that the orthotist/prosthetist certification law does not restrict certain practices by licensed pharmacists. **HB 1151**

LEGISLATIVE SUMMARIES

Act sets out the procedures for conducting an audit under the audit integrity act and establishes penalties for noncompliance with the act. **HB 1490**

PHOTOGRAPHING OR FILMING OF ANOTHER

Act creates a felony level of offense when the victim is a child under 16 years of age. **SB 2376**

PHYSICAL THERAPISTS

Act removes the repealer for certain provisions in the physical therapy practice law. **HB 417**

PHYSICIANS AND SURGEONS

Act establishes the office of Mississippi physician workforce. **HB 317**

Act requires that physicians performing abortions in abortion facilities be board certified in obstetrics and gynecology and have admitting privileges at a local hospital. **HB 1390**

Act enacts the patient's right to informed health care choices act. **SB 2670**

PLANT INDUSTRY

Act prohibits the cultivation of nonnative plant species for the production of fuel without a special permit. **HB 634**

Act provides for administrative proceedings in case of a violation of provisions regulating plant pests and plant diseases. **HB 634**

PORTABLE ELECTRONICS INSURANCE

Act sets out requirements for sellers of portable electronics insurance. **HB 894**

PORT AUTHORITY

Act exempts the port authority from certain public purchasing or procurement regulations. **HB 1091**

PREPAID LEGAL SERVICES PLANS

Act provides for the frequency of examination of insurers, including prepaid legal services plans. **HB 434**

PRINCIPAL AND INCOME ACT OF 2013

Act is enacted to replace the revised uniform principal and income law. **HB 732**

LEGISLATIVE SUMMARIES

PRISONS AND PRISONERS

Act clarifies that a person committed to a penal institution is committed to the department of corrections, not the institution. **HB 369**

Act provides that, upon revocation of the earned-release supervision of an offender, the time spent on release is to be applied to reduction of the sentence. **HB 371**

Act provides that time served on parole prior to revocation is to be credited toward the original sentence. **HB 372**

Act requires a PEER committee to submit inmate cost per day report and to develop a current cost-based model, prior to entering into private correctional services contracts. **HB 440**

Act extends the repealer regarding the Bolivar county regional facility alcohol and drug treatment program. **HB 454**

Act repeals the provision implementing a regimented inmate discipline program at Walnut Grove correctional facility. **HB 522**

Act establishes a youthful offender unit (YOU) at the Central Mississippi correctional facility. **HB 523**

Act removes the requirement that offenders housed at the Walnut Grove correctional facility be under the age of 22. **HB 523**

Act provides for the reenactment and amendment of the prison overcrowding emergency powers act. **SB 2187**

Act clarifies the prohibition against possessing contraband in correctional facilities, extending the provisions to local facilities. **SB 2263**

Act revises which prisoners may be released on conditional medical release. **SB 2731**

Act authorizes appointment of a guardian to make health care decisions for an offender lacking capacity and when no relative is available. **SB 2854**

PROPERTY AND CASUALTY INSURANCE

Act provides for a premium discount or rate reduction for building or retrofitting property to resist damage from hurricane or windstorm events. **HB 1410**

LEGISLATIVE SUMMARIES

Act removes the repealer on the property and casualty actuarial opinion act. **SB 2577**

PROPERTY TAXES

Act authorizes a county levy, where proceeds are to be provided to the Mississippi Burn Foundation to support construction and operation of the Burn Center Lodge. **HB 544**

Act provides an exemption for military personnel from taxes on motor vehicles. **HB 750**

Act extends the definition of free port warehouse to include facilities for the temporary storage and handling of property pending transit out of state, for the purpose of providing eligibility for a property tax exemption of such property. **SB 2342**

Act revises the procedures for taxing entities to hold public hearings on budgets and tax levies, and to provide notice of such hearings. **SB 2886**

Act includes raw materials and works-in-process to be included in the tax credit for payment of ad valorem taxes to a levee district. **SB 2934**

PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS

Act enacts the new uniform act and repeals the former act. **HB 1104**

PSYCHOLOGISTS

Act removes the repealer on provisions specifying education and supervised experience requirements for psychologist licensure. **HB 412**

PUBLIC DEFENDERS

Act revises the salary of the state public defender. **HB 1349**

PUBLIC IMPROVEMENT DISTRICTS

Act sets out various amendments to the public improvement district act. **HB 1261**

PUBLIC LANDS

Act allows for the cost of cleanup and removal of debris from destroyed buildings and improvements on tax-forfeited lands to be factored into the sales price of the land. **HB 1117**

PUBLIC OFFICERS AND EMPLOYEES

Act provides requirements for retention of independent outside counsel by the attorney general in actions against the state or state officers. **HB 211**

LEGISLATIVE SUMMARIES

Act extends the repealer on the requirement for state contributions toward the cost of the state employees health insurance plan. **HB 703**

PUBLIC PURCHASING OR PROCUREMENT

Act exempts the port authority from certain public purchasing or procurement regulations. **HB 1091**

Act requires the public procurement review board to adopt regulations regarding the publication of information by agencies requesting to lease space not owned by the state. **SB 2495**

PUBLIC SERVICE COMMISSION

Act reenacts and extends the repeal date for the provisions creating the commission. **SB 2429**

Act authorizes the hiring of attorneys or consultants to represent the commission and staff in federal proceedings. **SB 2779**

PUBLIC TRUST TIDELANDS

Act exempts residential property owners from obtaining a tidelands lease for exercising their littoral and riparian rights. **SB 2557**

PUBLIC UTILITIES

Act provides that the public utilities laws do not apply to certain video, mobile and Internet services. **HB 825**

Act sets out required driver safety maneuvers when approaching utility vehicles. **HB 984**

PUBLIC WORKS PROJECTS

Act provides for contractor bid submission procedures and hiring policies on projects using funds from a federally declared disaster or spill. **SB 2622**

RAILROADS

Act expands the definition of "railroad" to include regional railroad authorities. **SB 2829**

REAL ESTATE APPRAISERS

Act revises the fees and bond requirements for license applicants for appraisal management companies. **SB 2903**

REGISTERED AGENTS

Act enacts the Mississippi registered agents act. **HB 1162**

LEGISLATIVE SUMMARIES

RESPIRATORY CARE PRACTICE ACT

Act revises the provisions regarding licenses and permits for respiratory care practitioners. **SB 2527**

SALES AND USE TAXES

Act creates a sales and use tax exemption for the sale of utilities to churches. **HB 582**

Act provides for penalties when taxes are delinquent. **SB 2368**

Act provides that the administrative provisions of the sales tax law is applicable to the fees on sales of all-terrain vehicles. **SB 2368**

SCHOOLS AND EDUCATION

Act requires the local school boards to conduct an annual comprehensive evaluation of the school superintendent. **HB 447**

Act authorizes local school boards to allow for the use of indoor or outdoor school facilities for recreation or sport. **HB 540**

Act sets out the circumstances and procedure for changing of a student's grade. **HB 696**

Act provides for the starting date of the school year. **HB 707**

Act provides for school boards to allow course credit for high school student national guard members attending basic training camp during the summer prior to their senior year. **HB 784**

Act extends the repeal date on the requirement for school districts to submit cost reduction plans to the department of education. **HB 909**

Act repeals the provision establishing standards required of agricultural high schools. **HB 948**

Act amends the requirements for educational services to blind and visually impaired students. **HB 960**

Act creates the dyslexia therapy scholarship for students with dyslexia. **HB 1031**

Act creates the certified teach of the visually impaired scholarship program. **HB 1032**

LEGISLATIVE SUMMARIES

Act creates the dyslexia therapy scholarship for students with dyslexia. **HB 1032**

Act authorizes the audio recording of individualized education program (IEP) meetings. **HB 1405**

Act clarifies the provisions regarding the procedures for election of school district boards of trustees. **SB 2074**

Act eliminates the right to a hearing for a superintendent of schools upon termination or nonrenewal of an employment contract. **SB 2176**

Act provides for the consolidation of multiple school districts into a single countywide district. **SB 2330**

Act clarifies the deadline for notice of nonreemployment of teachers or administrators. **SB 2424**

Act removes the requirement that high school pre-advanced placement courses must be approved by the department of education. **SB 2450**

Act allows for the deduction of the cost of a substitute teacher from an employee's salary where employee is on sick leave. **SB 2452**

Act repeals the provision providing for a reading sufficiency program of instruction to be implemented by the state board. **SB 2453**

Act requires school districts to be responsible for dropout prevention programs. **SB 2454**

Act provides requirements for the sale or disposal of personal property belonging to a county, municipality or school board. **SB 2534**

Act revises provisions regarding accountability and accreditation, specifically low-performing schools and school district7. **SB 2731**

Act creates a school health pilot program based on wellness policies. **SB 2752**

Act consolidates the school districts in Bolivar county into a North and a West district. **SB 2760**

LEGISLATIVE SUMMARIES

Act requires the board of education to report on the need for separate boards of trustees and administrative offices for agricultural high schools. **SB 2760**

Act clarifies provisions regarding sick leave pay and donated leave. **SB 2761**

Act creates the standing commission on school district efficiency. **SB 2761**

Act provides for school employees to use procurement cards. **SB 2761**

Act changes the performance level terminology to letter ratings for school accreditation and accountability. **SB 2776**

Act creates the Mississippi works dual enrollment-dual credit program for students to concurrently enroll in high school and community college. **SB 2792**

SCRAP METAL DEALERS

Act sets out conditions under which a scrap metal dealer may purchase manhole and utility access covers. **HB 1094**

SECURITIES

Act revises the definition of "security account" relating to transfer-on-death securities registration, to include investment management and custody accounts. **HB 865**

SENTENCING

Act provides that, upon revocation of the earned-release supervision of an offender, the time spent on release is to be applied to reduction of the sentence. **HB 371**

Act provides that time served on parole prior to revocation is to be credited toward the original sentence. **HB 372**

Act provides for the extension of the repeal date for the state parole board. **SB 2195**

Act provides for the extension of the repeal date for state offenders serving sentences in county jails. **SB 2196**

Act provides for the extension of the repeal date for electronic home detention and intensive supervision programs. **SB 2197**

LEGISLATIVE SUMMARIES

SEX OFFENDERS

Act prohibits registered sex offenders from visiting public beaches and campgrounds. **SB 2256**

SEX OFFENSES

Act requires mandatory reporting of sex crimes against minors. **HB 16**

SHERIFFS

Act provides that general laws and journals may not provide for free to sheriffs without a specific request in writing. **SB 2501**

SMALL BUSINESS INVESTMENT ACT

Act amends the act, clarifying the procedures for small business investment credits. **SB 2659**

SMALL BUSINESS REGULATORY FLEXIBILITY ACT

Act sets out provisions to provide for more flexibility in rulemaking for small businesses. **SB 2398**

SPEECH-LANGUAGE PATHOLOGISTS

Act creates a master's degree loan scholarship program for speech-language pathologists working in public schools. **HB 1082**

STATE AUDITOR

Act revises provisions to identify accounting principles to be used for audits and to require payment of costs to independent contractors used to assist in or perform audits. **HB 927**

STATE DEPARTMENTS AND AGENCIES

Act removes the requirement that invoices for sales of goods and services to the state must be filed with the agency incurring the obligation. **HB 885**

Act requires each entity to publish their annual reports electronically on the Internet. **HB 1452**

Act provides for restrictions on acquisition of vehicles and reduction of the fleet of state-owned vehicles. **SB 2917**

STATE FIRE MARSHAL

Act authorizes the appointment of a state chief assistant deputy fire marshal. **HB 726**

LEGISLATIVE SUMMARIES

STATE FISCAL OFFICER

Act authorizes warrants to be drawn in excess of cash balance against federal programs. **HB 944**

SUPREME COURT

Act provides for judicial salaries and deposits into judicial system operation fund and other funds to provide funding for judicial salaries. **HB 484**

Act sets out the manner in which the supreme court is to make judges available to hear election day contests or disputes. **HB 994**

SURPLUS LINES INSURANCE

Act provides that the surplus lines premium tax does not apply to property risk written by the department of finance and administration on behalf of the state. **HB 1348**

Act provides for the percentage of the nonadmitted policy fee. **SB 2626**

Act requires producers to execute a form indicating why insurance was not placed in the admitted market. **SB 2628**

SWIMMING POOLS

Act, entitled the William Lee Montjoy pool safety act, sets out requirements for pool enclosures for certain multiunit rental properties. **HB 1281**

TAXATION

Act sets out legal effect of electronic filing and electronic signatures with respect to returns and other tax documents and information. **SB 2368**

TEACHERS

Act sets out the circumstances and procedure for changing of a student's grade. **HB 696**

Act provides that repayment of awards by critical needs teacher scholarship program participants are to be deposited in the consolidated revolving loan fund. **HB 860**

Act creates the certified teach of the visually impaired scholarship program. **HB 1032**

Act creates the office of educator misconduct evaluations. **HB 1144**

LEGISLATIVE SUMMARIES

Act clarifies the deadline for notice of nonreemployment of teachers or administrators. **SB 2424**

Act allows for the deduction of the cost of a substitute teacher from an employee's salary where employee is on sick leave. **SB 2452**

TELECOMMUNICATIONS

Act provides that the public utilities laws do not apply to certain video, mobile and Internet services. **HB 825**

TOBACCO TAX

Act provides for forms to be prescribed by the commissioner. **SB 2368**

Act requires notice by the commissioner upon revocation of permits. **SB 2368**

TOLL ROADS

Act removes the restrictions on including an existing road or road segment in a new toll road, and that repair of an existing road cannot be tolled. **HB 815**

TORT CLAIMS ACT

Act clarifies the provisions regarding notices and the statute of limitations under the tort claims act. **SB 2845**

TOURISM

Act clarifies the publications in which localities must advertise for the promotion of tourism. **SB 2355**

Act is enacted to provide for limited liability for persons engaged in agritourism activities. **SB 2439**

TRADEMARKS

Act clarifies the offense of selling or vending counterfeit goods. **SB 2549**

TRAFFIC REGULATION

Act authorizes electronic filing of citations for violations of the implied consent law. **HB 929**

Act sets out required driver safety maneuvers when approaching utility vehicles. **HB 984**

LEGISLATIVE SUMMARIES

Act prohibits the placement of an automated traffic law enforcement system citation from another jurisdiction on a person's driving record within this state. **SB 2289**

Act authorizes electronic filing of citations for violations of the implied consent law. **SB 2802**

TRANSPORTATION

Act revises the membership of the public transit task force. **HB 575**

UNEMPLOYMENT COMPENSATION

Act provides an exemption for direct sellers, and excludes newspaper delivery or distribution from the definition of employment. **HB 451**

Act reenacts the Mississippi comprehensive workforce training and education consolidation act of 2004. **SB 2604**

VETERANS

Act authorizes the state veterans affairs board to establish and operate veterans cemeteries. **HB 264**

Act authorizes and requires a designation of Vet on drivers' licenses and identification cards. **SB 2461**

VICTIMS OF CRIME

Act makes technical corrections to the crime victims compensation act. **HB 97**

Act provides that victims have a right to receive a copy of the initial incident report. **SB 2494**

VOYEURISM

Act creates a felony level of offense when the victim is a child under 16 years of age. **SB 2376**

VULNERABLE PERSONS

Act amends the definitions applicable to the vulnerable person act and the statute of limitations for prosecution of violations. **SB 2367**

Act revises the statute of limitations for the prosecution of felonious abuse of vulnerable persons. **SB 2539**

LEGISLATIVE SUMMARIES

WATER SUPPLY AND WATERWORKS

Act authorizes the city of Hattiesburg to enter into contracts for treatment, transportation or disposal of wastewater. **HB 1529**

WILLIAM LEE MONTJOY POOL SAFETY ACT

Act sets out requirements for swimming pool enclosures for certain multiunit rental properties. **HB 1281**

WORKERS' COMPENSATION

Act clarifies certain provisions regarding construction of the chapter, compensation rates, medical records to be filed when employee files a petition to controvert, and drug and alcohol testing of an employee by the employer. **SB 2576**



CUMULATIVE ALLOCATION OF ACTS TABLE

2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
301				
§ 1	37-103-25	HB 1095	Amended	July 1, 2012
§ 2		HB 1095	Eff date	July 1, 2012
302				
§ 1	83-9-211	SB 2586	Amended	AP-Mar. 30, 2012
§ 2		SB 2586	Eff date	AP-Mar. 30, 2012
303				
§ 1	17-2-7	HB 773	Amended	AP-Mar. 30, 2012
§ 2	17-2-9	HB 773	Amended	AP-Mar. 30, 2012
§ 3		HB 773	Eff date	AP-Mar. 30, 2012
304				
§ 1	Classification Pending	SB 2428	Classification Pending	July 1, 2012
§ 2		SB 2428	Eff date	July 1, 2012
305				
§ 1	47-5-10	SB 2486	Amended	July 1, 2012
§ 2		SB 2486	Eff date	July 1, 2012
306				
§ 1	83-5-501	SB 2577	Reenacted	July 1, 2012
§ 2	83-5-503	SB 2577	Reenacted	July 1, 2012
§ 3	83-5-505	SB 2577	Reenacted	July 1, 2012
§ 4	83-5-507	SB 2577	Repealed	July 1, 2012
§ 5		SB 2577	Eff date	July 1, 2012
307				
§ 1	83-1-191	SB 2578	Amended	July 1, 2012
§ 2		SB 2578	Eff date	July 1, 2012
308				
§ 1	75-63-53	SB 2579	Amended	July 1, 2012
§ 2	75-63-59	SB 2579	Amended	July 1, 2012
§ 3	75-63-63	SB 2579	Amended	July 1, 2012
§ 4	75-63-68	SB 2579	Amended	July 1, 2012
§ 5		SB 2579	Eff date	July 1, 2012

CUMULATIVE ALLOCATION OF ACTS TABLE

2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
309				
§ 1	83-21-23	SB 2628	Amended	July 1, 2012
§ 2		SB 2628	Eff date	July 1, 2012
310				
§ 1	17-2-3	SB 2651	Amended	July 1, 2012
§ 2		SB 2651	Eff date	July 1, 2012
311				
§ 1	37-101-241	HB 1086	Amended	July 1, 2012
§ 2		HB 1086	Eff date	July 1, 2012
312				
§ 1	65-1-701	SB 2829	Amended	AP-Mar. 30, 2012
§ 2		SB 2829	Eff date	AP-Mar. 30, 2012
313				
§ 1	83-17-401	SB 2618	Amended	July 1, 2012
§ 2	83-17-407	SB 2618	Amended	July 1, 2012
§ 3		SB 2618	Eff date	July 1, 2012
314				
§ 1	Classification Pending	SB 2447	Classification Pending	July 1, 2012
§ 2		SB 2447	Eff date	July 1, 2012
315				
§ 1	37-159-3	HB 860	Amended	AP-Apr. 3, 2012
§ 2	37-159-17	HB 860	Amended	AP-Apr. 3, 2012
§ 3	37-143-19	HB 860	Amended	AP-Apr. 3, 2012
§ 4		HB 860	Eff date	AP-Apr. 3, 2012
316				
§ 1	47-5-1001	SB 2197	Reenacted	AP-Apr. 5, 2012
§ 2	47-5-1003	SB 2197	Reenacted	AP-Apr. 5, 2012
§ 3	47-5-1005	SB 2197	Reenacted	AP-Apr. 5, 2012
§ 4	47-5-1007	SB 2197	Reenacted	AP-Apr. 5, 2012
§ 5	47-5-1009	SB 2197	Reenacted	AP-Apr. 5, 2012
§ 6	47-5-1011	SB 2197	Reenacted	AP-Apr. 5, 2012
§ 7	47-5-1013	SB 2197	Reenacted	AP-Apr. 5, 2012
§ 8	47-5-1014	SB 2197	Reenacted	AP-Apr. 5, 2012

CUMULATIVE ALLOCATION OF ACTS TABLE

2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 9	47-5-1015	SB 2197	Reenacted	AP-Apr. 5, 2012
§ 10		SB 2197	Eff date	AP-Apr. 5, 2012
317				
§ 1	47-5-901	SB 2196	Reenacted	AP-Apr. 5, 2012
§ 2	47-5-903	SB 2196	Reenacted	AP-Apr. 5, 2012
§ 3	47-5-905	SB 2196	Reenacted	AP-Apr. 5, 2012
§ 4	47-5-907	SB 2196	Reenacted	AP-Apr. 5, 2012
§ 5	47-5-909	SB 2196	Reenacted	AP-Apr. 5, 2012
§ 6	47-5-911	SB 2196	Reenacted	AP-Apr. 5, 2012
§ 7		SB 2196	Eff date	AP-Apr. 5, 2012
318				
§ 1	83-51-31	SB 2324	Amended	July 1, 2012
§ 2		SB 2324	Eff date	July 1, 2012
319				
§ 1	75-57-49	SB 2399	Amended	AP-Apr. 5, 2012
§ 2	75-57-105	SB 2399	Amended	AP-Apr. 5, 2012
§ 3		SB 2399	Eff date	AP-Apr. 5, 2012
320				
§ 1	47-7-5	SB 2195	Amended	AP-Apr. 5, 2012
§ 2		SB 2195	Eff date	AP-Apr. 5, 2012
321				
§ 1	49-17-30	SB 2812	Amended	AP-Apr. 5, 2012
§ 2		SB 2812	Eff date	AP-Apr. 5, 2012
322				
§ 1	47-5-701	SB 2187	Reenacted	AP-Apr. 5, 2012
§ 2	47-5-703	SB 2187	Reenacted	AP-Apr. 5, 2012
§ 3	47-5-705	SB 2187	Reenacted	AP-Apr. 5, 2012
§ 4	47-5-707	SB 2187	Reenacted	AP-Apr. 5, 2012
§ 5	47-5-709	SB 2187	Reenacted	AP-Apr. 5, 2012
§ 6	47-5-711	SB 2187	Reenacted	AP-Apr. 5, 2012
§ 7	47-5-713	SB 2187	Reenacted	AP-Apr. 5, 2012
§ 8	47-5-715	SB 2187	Reenacted	AP-Apr. 5, 2012
§ 9	47-5-717	SB 2187	Reenacted	AP-Apr. 5, 2012
§ 10	47-5-719	SB 2187	Reenacted	AP-Apr. 5, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 11	47-5-721	SB 2187	Reenacted	AP-Apr. 5, 2012
§ 12	47-5-723	SB 2187	Reenacted	AP-Apr. 5, 2012
§ 13	47-5-725	SB 2187	Reenacted	AP-Apr. 5, 2012
§ 14	47-5-727	SB 2187	Reenacted	AP-Apr. 5, 2012
§ 15	47-5-729	SB 2187	Reenacted	AP-Apr. 5, 2012
§ 16	47-5-731	SB 2187	Reenacted	AP-Apr. 5, 2012
§ 17		SB 2187	Eff date	AP-Apr. 5, 2012
323				
§ 1	67-3-3	SB 2878	Amended	July 1, 2012
§ 2	67-1-5	SB 2878	Amended	July 1, 2012
§ 2		SB 2561	Eff date	July 1, 2012
§ 3	67-3-1	SB 2878	Amended	July 1, 2012
§ 4	67-3-5	SB 2878	Amended	July 1, 2012
§ 5	67-3-7	SB 2878	Amended	July 1, 2012
§ 6	67-3-9	SB 2878	Amended	July 1, 2012
§ 7	67-3-13	SB 2878	Amended	July 1, 2012
§ 8	67-3-17	SB 2878	Amended	July 1, 2012
§ 9	67-3-28	SB 2878	Amended	July 1, 2012
§ 10	67-3-49	SB 2878	Amended	July 1, 2012
§ 11	67-3-53	SB 2878	Amended	July 1, 2012
§ 12	27-71-509	SB 2878	Amended	July 1, 2012
§ 13		SB 2878	Eff date	July 1, 2012
324				
§ 1	Classification Pending	SB 2561	Classification Pending	July 1, 2012
§ 2		SB 2561	Eff date	July 1, 2012
325				
§ 1	47-5-193	SB 2263	Amended	AP-Apr. 5, 2012
§ 2		SB 2263	Eff date	AP-Apr. 5, 2012
326				
§ 1	49-7-58.3	HB 756	Amended	July 1, 2012
§ 2	49-7-58.4	HB 756	Amended	July 1, 2012
§ 3	49-11-3	HB 756	Amended	July 1, 2012
§ 4		HB 756	Eff date	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
327				
§ 1	49-15-64.1	SB 2295	Amended	AP-Apr. 13, 2012
§ 2	49-15-64.3	SB 2295	Amended	AP-Apr. 13, 2012
§ 3		SB 2295	Eff date -	AP-Apr. 13, 2012
328				
§ 1	49-15-315	HB 368	Amended	July 1, 2012
§ 2		HB 368	Eff date	July 1, 2012
329				
§ 1	25-3-35	HB 484	Amended	Voting Rights Act
§ 2	9-21-45	HB 484	Amended	July 1, 2012
§ 3	25-7-3	HB 484	Amended	July 1, 2012
§ 4	25-7-9	HB 484	Amended	July 1, 2012
§ 5	25-7-13	HB 484	Amended	Voting Rights Act
§ 6	25-9-115	HB 484	Added	July 1, 2012
§ 7	25-9-101	HB 484	Amended	July 1, 2012
§ 8	9-9-11	HB 484	Amended	Voting Rights Act
§ 9	99-19-73	HB 484	Amended	July 1, 2012
§ 10	25-3-35	HB 484	Note	Voting Rights Act
§ 10	9-9-11	HB 484	Note	Voting Rights Act
§ 10	9-21-45	HB 484	Note	Voting Rights Act
§ 10	25-7-3	HB 484	Note	Voting Rights Act
§ 10	25-7-3	HB 484	Note	Voting Rights Act
§ 10	25-7-13	HB 484	Note	Voting Rights Act
§ 10	99-19-73	HB 484	Note	Voting Rights Act
§ 10	25-9-101	HB 484	Note	Voting Rights Act
§ 10	25-9-115	HB 484	Note	Voting Rights Act
§ 11		HB 484	Eff date	Voting Rights Act
330				
§ 1	Classification Pending	HB 99	Classification Pending	July 1, 2012
§ 2		HB 99	Eff date	July 1, 2012
331				
§ 1	41-75-1	HB 1390	Amended	July 1, 2012
§ 2		HB 1390	Eff date	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
332				
§ 1	Classification Pending	SB 2119	Classification Pending	July 1, 2012
§ 2		SB 2119	Eff date	July 1, 2012
333				
§ 1	Classification Pending	HB 98	Classification Pending	July 1, 2012
§ 2		HB 98	Eff date	July 1, 2012
334				
§ 1	41-86-1	HB 316	Amended	Jan. 1, 2013
§ 2	41-86-5	HB 316	Amended	Jan. 1, 2013
§ 3	41-86-7	HB 316	Amended	Jan. 1, 2013
§ 4	41-86-9	HB 316	Amended	Jan. 1, 2013
§ 5	41-86-11	HB 316	Amended	Jan. 1, 2013
§ 6	41-86-13	HB 316	Amended	Jan. 1, 2013
§ 7	41-86-15	HB 316	Amended	Jan. 1, 2013
§ 8	41-86-19	HB 316	Repealed	Jan. 1, 2013
§ 8	41-86-17	HB 316	Repealed	Jan. 1, 2013
§ 8	41-86-3	HB 316	Repealed	Jan. 1, 2013
§ 8	41-86-21	HB 316	Repealed	Jan. 1, 2013
§ 9		HB 316	Eff date	Jan. 1, 2013
335				
§ 1	91-21-3	HB 865	Amended	July 1, 2012
§ 2		HB 865	Eff date	July 1, 2012
336				
§ 1	Classification Pending	HB 895	Classification Pending	AP-Apr. 16, 2012
§ 2		HB 895	Eff date	AP-Apr. 16, 2012
337				
§ 1	Classification Pending	HB 866	Classification Pending	July 1, 2012
§ 2		HB 866	Eff date	July 1, 2012
338				
§ 1	27-105-305	HB 966	Amended	Apr. 16, 2012
§ 2		HB 966	Eff date	Apr. 16, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
339				
§ 1	29-1-35	HB 1117	Amended	July 1, 2012
§ 2	29-1-57	HB 1117	Amended	July 1, 2012
§ 3		HB 1117	Eff date	July 1, 2012
340				
§ 1	73-22-3	HB 1151	Amended	July 1, 2012
§ 2	73-22-1	HB 1151	Amended	July 1, 2012
§ 3		HB 1151	Eff date	July 1, 2012
341				
§ 1	97-15-13	HB 1326	Amended	July 1, 2012
§ 2		HB 1326	Eff date	July 1, 2012
342				
§ 1	27-31-51	SB 2342	Amended	Jan. 1, 2012
§ 2	27-31-53	SB 2342	Amended	Jan. 1, 2012
§ 3		SB 2342	Eff date	Jan. 1, 2012
343				
§ 1	61-3-24	SB 2336	Added	AP-Apr. 16, 2012
§ 2		SB 2336	Eff date	AP-Apr. 16, 2012
344				
§ 1	Classification Pending	HB 784	Classification Pending	July 1, 2012
§ 2		HB 784	Eff date	July 1, 2012
345				
§ 1	37-61-8	HB 909	Amended	July 1, 2012
§ 2		HB 909	Eff date	July 1, 2012
346				
§ 1	41-39-101	SB 2685	Reenacted	July 1, 2012
§ 2	41-39-103	SB 2685	Reenacted	July 1, 2012
§ 3	41-39-105	SB 2685	Reenacted	July 1, 2012
§ 4	41-39-107	SB 2685	Reenacted	July 1, 2012
§ 5	41-39-109	SB 2685	Reenacted	July 1, 2012
§ 6	41-39-111	SB 2685	Reenacted	July 1, 2012
§ 7	41-39-113	SB 2685	Reenacted	July 1, 2012
§ 8	41-39-115	SB 2685	Reenacted	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 9	41-39-117	SB 2685	Reenacted	July 1, 2012
§ 10	41-39-119	SB 2685	Reenacted	July 1, 2012
§ 11	41-39-121	SB 2685	Reenacted	July 1, 2012
§ 12	41-39-123	SB 2685	Reenacted	July 1, 2012
§ 13	41-39-125	SB 2685	Reenacted	July 1, 2012
§ 14	41-39-127	SB 2685	Reenacted	July 1, 2012
§ 15	41-39-129	SB 2685	Reenacted	July 1, 2012
§ 16	41-39-131	SB 2685	Reenacted	July 1, 2012
§ 17	41-39-133	SB 2685	Reenacted	July 1, 2012
§ 18	41-39-135	SB 2685	Reenacted	July 1, 2012
§ 19	41-39-137	SB 2685	Reenacted	July 1, 2012
§ 20	41-39-139	SB 2685	Reenacted	July 1, 2012
§ 21	41-39-141	SB 2685	Reenacted	July 1, 2012
§ 22	41-39-143	SB 2685	Reenacted	July 1, 2012
§ 23	41-39-145	SB 2685	Reenacted	July 1, 2012
§ 24	41-39-147	SB 2685	Reenacted	July 1, 2012
§ 25	41-39-149	SB 2685	Amended	July 1, 2012
§ 26		SB 2685	Eff date	July 1, 2012
347				
§ 1	25-15-303	HB 768	Amended	July 1, 2012
§ 2		HB 768	Eff date	July 1, 2012
348				
§ 1	37-27-19	HB 948	Repealed	July 1, 2012
§ 2		HB 948	Eff date	July 1, 2012
349				
§ 1	25-15-303	HB 997	Amended	July 1, 2012
§ 2		HB 997	Eff date	July 1, 2012
350				
§ 1	83-21-25	HB 1348	Amended	AP-Apr. 16, 2012
§ 2		HB 1348	Eff date	AP-Apr. 16, 2012
351				
§ 1	91-17-414	HB 732	Added	Jan. 1, 2013
§ 1	91-17-415	HB 732	Added	Jan. 1, 2013
§ 1	91-17-501	HB 732	Added	Jan. 1, 2013

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 1	91-17-502	HB 732	Added	Jan. 1, 2013
§ 1	91-17-503	HB 732	Added	Jan. 1, 2013
§ 1	91-17-504	HB 732	Added	Jan. 1, 2013
§ 1	91-17-505	HB 732	Added	Jan. 1, 2013
§ 1	91-17-506	HB 732	Added	Jan. 1, 2013
§ 1	91-17-601	HB 732	Added	Jan. 1, 2013
§ 1	91-17-602	HB 732	Added	Jan. 1, 2013
§ 1	91-17-603	HB 732	Added	Jan. 1, 2013
§ 1	91-17-604	HB 732	Added	Jan. 1, 2013
§ 1	91-17-101	HB 732	Added	Jan. 1, 2013
§ 1	91-17-102	HB 732	Added	Jan. 1, 2013
§ 1	91-17-103	HB 732	Added	Jan. 1, 2013
§ 1	91-17-104	HB 732	Added	Jan. 1, 2013
§ 1	91-17-105	HB 732	Added	Jan. 1, 2013
§ 1	91-17-201	HB 732	Added	Jan. 1, 2013
§ 1	91-17-202	HB 732	Added	Jan. 1, 2013
§ 1	91-17-301	HB 732	Added	Jan. 1, 2013
§ 1	91-17-302	HB 732	Added	Jan. 1, 2013
§ 1	91-17-303	HB 732	Added	Jan. 1, 2013
§ 1	91-17-401	HB 732	Added	Jan. 1, 2013
§ 1	91-17-402	HB 732	Added	Jan. 1, 2013
§ 1	91-17-403	HB 732	Added	Jan. 1, 2013
§ 1	91-17-404	HB 732	Added	Jan. 1, 2013
§ 1	91-17-405	HB 732	Added	Jan. 1, 2013
§ 1	91-17-413	HB 732	Added	Jan. 1, 2013
§ 1	91-17-412	HB 732	Added	Jan. 1, 2013
§ 1	91-17-411	HB 732	Added	Jan. 1, 2013
§ 1	91-17-410	HB 732	Added	Jan. 1, 2013
§ 1	91-17-409	HB 732	Added	Jan. 1, 2013
§ 1	91-17-408	HB 732	Added	Jan. 1, 2013
§ 1	91-17-407	HB 732	Added	Jan. 1, 2013
§ 1	91-17-406	HB 732	Added	Jan. 1, 2013
§ 2	91-17-9	HB 732	Repealed	Jan. 1, 2013
§ 2	91-17-7	HB 732	Repealed	Jan. 1, 2013

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2	91-17-5	HB 732	Repealed	Jan. 1, 2013
§ 2	91-17-3	HB 732	Repealed	Jan. 1, 2013
§ 2	91-17-1	HB 732	Repealed	Jan. 1, 2013
§ 2	91-17-31	HB 732	Repealed	Jan. 1, 2013
§ 2	91-17-29	HB 732	Repealed	Jan. 1, 2013
§ 2	91-17-27	HB 732	Repealed	Jan. 1, 2013
§ 2	91-17-25	HB 732	Repealed	Jan. 1, 2013
§ 2	91-17-23	HB 732	Repealed	Jan. 1, 2013
§ 2	91-17-21	HB 732	Repealed	Jan. 1, 2013
§ 2	91-17-19	HB 732	Repealed	Jan. 1, 2013
§ 2	91-17-17	HB 732	Repealed	Jan. 1, 2013
§ 2	91-17-15	HB 732	Repealed	Jan. 1, 2013
§ 2	91-17-13	HB 732	Repealed	Jan. 1, 2013
§ 2	91-17-11	HB 732	Repealed	Jan. 1, 2013
§ 3		HB 732	Eff date	Jan. 1, 2013
352				
§ 1	27-39-203	SB 2886	Amended	July 1, 2012
§ 2	21-33-45	SB 2886	Amended	July 1, 2012
§ 3	27-39-317	SB 2886	Amended	July 1, 2012
§ 4	27-39-205	SB 2886	Repealed	July 1, 2012
§ 5		SB 2886	Eff date	July 1, 2012
353				
§ 1	23-15-285	HB 585	Amended	Voting Rights Act
§ 2	19-3-1	HB 585	Amended	Voting Rights Act
§ 3	19-3-1	HB 585	Note	Voting Rights Act
§ 3	23-15-285	HB 585	Note	Voting Rights Act
§ 4		HB 585	Eff date	Voting Rights Act
354				
§ 1	19-3-19	SB 2884	Amended	July 1, 2012
§ 2		SB 2884	Eff date	July 1, 2012
355				
§ 1	25-7-13	HB 361	Amended	July 1, 2012
§ 2		HB 361	Eff date	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
356				
§ 1	Classification Pending	HB 1104	Classification Pending	July 1, 2012
§ 2	Classification Pending	HB 1104	Classification Pending	July 1, 2012
§ 3	Classification Pending	HB 1104	Classification Pending	July 1, 2012
§ 4	Classification Pending	HB 1104	Classification Pending	July 1, 2012
§ 5	Classification Pending	HB 1104	Classification Pending	July 1, 2012
§ 6	Classification Pending	HB 1104	Classification Pending	July 1, 2012
§ 7	Classification Pending	HB 1104	Classification Pending	July 1, 2012
§ 8	Classification Pending	HB 1104	Classification Pending	July 1, 2012
§ 9	Classification Pending	HB 1104	Classification Pending	July 1, 2012
§ 10	Classification Pending	HB 1104	Classification Pending	July 1, 2012
§ 11	79-11-609	HB 1104	Repealed	July 1, 2012
§ 11	79-11-611	HB 1104	Repealed	July 1, 2012
§ 11	79-11-607	HB 1104	Repealed	July 1, 2012
§ 11	79-11-605	HB 1104	Repealed	July 1, 2012
§ 11	79-11-613	HB 1104	Repealed	July 1, 2012
§ 11	79-11-615	HB 1104	Repealed	July 1, 2012
§ 11	79-11-617	HB 1104	Repealed	July 1, 2012
§ 11	79-11-601	HB 1104	Repealed	July 1, 2012
§ 11	79-11-603	HB 1104	Repealed	July 1, 2012
§ 12		HB 1104	Eff date	July 1, 2012
357				
§ 1	85-7-185	HB 1301	Amended	July 1, 2012
§ 2		HB 1301	Eff date	July 1, 2012
358				
§ 1	Classification Pending	HB 391	Classification Pending	July 1, 2012
§ 2		HB 391	Eff date	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
359				
§ 1	33-15-19	HB 1418	Amended	July 1, 2012
§ 2	33-15-17	HB 1418	Amended	July 1, 2012
§ 3		HB 1418	Eff date	July 1, 2012
360				
§ 1	69-5-3	SB 2912	Amended	AP-Apr. 17, 2012
§ 2		SB 2912	Eff date	AP-Apr. 17, 2012
361				
§ 1	Classification Pending	HB 35	Classification Pending	July 1, 2012
§ 2		HB 35	Eff date	July 1, 2012
362				
§ 1	Classification Pending	HB 575	Classification Pending	AP-Apr. 17, 2012
§ 2		HB 575	Eff date	AP-Apr. 16, 2012
363				
§ 1	73-31-13	HB 412	Amended	July 1, 2012
§ 2		HB 412	Eff date	July 1, 2012
364				
§ 1	83-5-205	HB 434	Amended	July 1, 2012
§ 2	83-29-45	HB 434	Amended	July 1, 2012
§ 3	83-41-337	HB 434	Amended	July 1, 2012
§ 4	83-49-27	HB 434	Amended	July 1, 2012
§ 5		HB 434	Eff date	July 1, 2012
365				
§ 1	Classification Pending	HB 450	Classification Pending	AP-Apr. 16, 2012
§ 2		HB 450	Eff date	AP-Apr. 16, 2012
366				
§ 1	19-5-105	HB 545	Amended	July 1, 2012
§ 2		HB 545	Eff date	July 1, 2012
367				
§ 1	73-17-11	SB 2715	Amended	July 1, 2012
§ 2		SB 2715	Eff date	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
368				
§ 1	79-29-1203	HB 416	Amended	July 1, 2012
§ 2		HB 416	Eff date	July 1, 2012
369				
§ 1	67-3-53	HB 1250	Amended	July 1, 2012
§ 2		HB 1250	Eff date	July 1, 2012
370				
§ 1	73-23-33	HB 417	Amended	July 1, 2012
§ 2	73-23-35	HB 417	Amended	July 1, 2012
§ 3	73-23-59	HB 417	Amended	July 1, 2012
§ 4		HB 417	Eff date	July 1, 2012
371				
§ 1	27-39-332	HB 544	Amended	July 1, 2012
§ 2		HB 544	Eff date	July 1, 2012
372				
§ 1	45-9-101	HB 695	Amended	July 1, 2012
§ 2		HB 695	Eff date	July 1, 2012
373				
§ 1	21-43-117	HB 968	Amended	July 1, 2012
§ 2	21-43-119	HB 968	Amended	July 1, 2012
§ 3	21-43-131	HB 968	Amended	July 1, 2012
§ 4	21-43-113	HB 968	Amended	July 1, 2012
§ 5		HB 968	Eff date	July 1, 2012
374				
§ 1	1-3-61	SB 2855	Amended	AP-Apr. 17, 2012
§ 2		SB 2855	Eff date	AP-Apr. 17, 2012
375				
§ 1	83-34-4	SB 2626	Amended	July 1, 2012
§ 2		SB 2626	Eff date	July 1, 2012
376				
§ 1	37-3-2	HB 1144	Amended	July 1, 2012
§ 2		HB 1144	Eff date	July 1, 2012
377				
§ 1	27-7-22.7	SB 2613	Reenacted	AP-Apr. 17, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2	27-7-22.9	SB 2613	Reenacted	AP-Apr. 17, 2012
§ 3	27-7-22.9	SB 2613	Note	AP-Apr. 17, 2012
§ 4	27-7-22.25	SB 2613	Reenacted	AP-Apr. 17, 2012
§ 5	27-7-22.26	SB 2613	Reenacted	AP-Apr. 17, 2012
§ 6	Classification Pending	SB 2613	Classification Pending	AP-Apr. 17, 2012
§ 7		SB 2613	Eff date	AP-Apr. 17, 2012
378				
§ 1	27-7-22.36	SB 2656	Amended	July 1, 2012
§ 2		SB 2656	Eff date	July 1, 2012
379				
§ 1	Classification Pending	HB 1255	Classification Pending	AP-Apr. 17, 2012
§ 2		HB 1255	Eff date	AP-Apr. 16, 2012
380				
§ 1	25-15-15	HB 703	Amended	July 1, 2012
§ 2		HB 703	Eff date	July 1, 2012
381				
§ 1	45-11-1	HB 726	Amended	July 1, 2012
§ 2		HB 726	Eff date	July 1, 2012
382				
§ 1	79-35-1	HB 1162	Added	Jan. 1, 2013
§ 2	79-35-2	HB 1162	Added	Jan. 1, 2013
§ 3	79-35-3	HB 1162	Added	Jan. 1, 2013
§ 4	79-35-4	HB 1162	Added	Jan. 1, 2013
§ 5	79-35-5	HB 1162	Added	Jan. 1, 2013
§ 6	79-35-6	HB 1162	Added	Jan. 1, 2013
§ 7	79-35-7	HB 1162	Added	Jan. 1, 2013
§ 8	79-35-8	HB 1162	Added	Jan. 1, 2013
§ 9	79-35-9	HB 1162	Added	Jan. 1, 2013
§ 10	79-35-10	HB 1162	Added	Jan. 1, 2013
§ 11	79-35-11	HB 1162	Added	Jan. 1, 2013
§ 12	79-35-12	HB 1162	Added	Jan. 1, 2013
§ 13	79-35-13	HB 1162	Added	Jan. 1, 2013
§ 14	79-35-14	HB 1162	Added	Jan. 1, 2013

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 15	79-35-15	HB 1162	Added	Jan. 1, 2013
§ 16	79-35-16	HB 1162	Added	Jan. 1, 2013
§ 17	79-35-17	HB 1162	Added	Jan. 1, 2013
§ 18	79-35-18	HB 1162	Added	Jan. 1, 2013
§ 19	79-35-19	HB 1162	Added	Jan. 1, 2013
§ 20	79-4-1.20	HB 1162	Amended	Jan. 1, 2013
§ 21	79-4-1.22	HB 1162	Amended	Jan. 1, 2013
§ 22	79-4-1.25	HB 1162	Amended	Jan. 1, 2013
§ 23	79-4-1.26	HB 1162	Amended	Jan. 1, 2013
§ 24	79-4-1.41	HB 1162	Amended	Jan. 1, 2013
§ 25	79-4-2.02	HB 1162	Amended	Jan. 1, 2013
§ 26	79-4-7.03	HB 1162	Amended	Jan. 1, 2013
§ 27	79-4-7.04	HB 1162	Amended	Jan. 1, 2013
§ 28	79-4-7.20	HB 1162	Amended	Jan. 1, 2013
§ 29	79-4-7.48	HB 1162	Amended	Jan. 1, 2013
§ 30	79-4-8.09	HB 1162	Amended	Jan. 1, 2013
§ 31	79-4-10.05	HB 1162	Amended	Jan. 1, 2013
§ 32	79-4-11.07	HB 1162	Amended	Jan. 1, 2013
§ 33	79-4-13.30	HB 1162	Amended	Jan. 1, 2013
§ 34	79-4-14.08	HB 1162	Amended	Jan. 1, 2013
§ 35	79-4-14.08	HB 1162	Amended	Jan. 1, 2013
§ 36	79-4-14.20	HB 1162	Amended	Jan. 1, 2013
§ 37	79-4-14.21	HB 1162	Amended	Jan. 1, 2013
§ 38	79-4-14.22	HB 1162	Amended	Jan. 1, 2013
§ 39	79-4-14.23	HB 1162	Amended	Jan. 1, 2013
§ 40	79-4-14.31	HB 1162	Amended	Jan. 1, 2013
§ 41	79-4-15.03	HB 1162	Amended	Jan. 1, 2013
§ 42	79-4-15.04	HB 1162	Amended	Jan. 1, 2013
§ 43	79-4-15.10	HB 1162	Amended	Jan. 1, 2013
§ 44	79-4-15.20	HB 1162	Amended	Jan. 1, 2013
§ 45	79-4-15.30	HB 1162	Amended	Jan. 1, 2013
§ 46	79-4-15.31	HB 1162	Amended	Jan. 1, 2013
§ 47	79-4-15.32	HB 1162	Amended	Jan. 1, 2013
§ 48	79-4-15.33	HB 1162	Amended	Jan. 1, 2013

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 49	79-4-16.04	HB 1162	Amended	Jan. 1, 2013
§ 50	79-4-16.05	HB 1162	Amended	Jan. 1, 2013
§ 51	79-4-16.22	HB 1162	Amended	Jan. 1, 2013
§ 52	79-11-109	HB 1162	Amended	Jan. 1, 2013
§ 53	79-11-115	HB 1162	Amended	Jan. 1, 2013
§ 54	79-11-117	HB 1162	Amended	Jan. 1, 2013
§ 55	79-11-131	HB 1162	Reenacted	Jan. 1, 2013
§ 56	79-11-137	HB 1162	Amended	Jan. 1, 2013
§ 57	79-11-201	HB 1162	Amended	Jan. 1, 2013
§ 58	79-11-213	HB 1162	Amended	Jan. 1, 2013
§ 59	79-11-289	HB 1162	Amended	Jan. 1, 2013
§ 60	79-11-299	HB 1162	Amended	Jan. 1, 2013
§ 61	79-11-327	HB 1162	Amended	Jan. 1, 2013
§ 62	79-11-345	HB 1162	Amended	Jan. 1, 2013
§ 63	79-11-347	HB 1162	Amended	Jan. 1, 2013
§ 64	79-11-349	HB 1162	Amended	Jan. 1, 2013
§ 65	79-11-351	HB 1162	Amended	Jan. 1, 2013
§ 66	79-11-353	HB 1162	Amended	Jan. 1, 2013
§ 67	79-11-355	HB 1162	Amended	Jan. 1, 2013
§ 68	79-11-357	HB 1162	Amended	Jan. 1, 2013
§ 69	79-11-367	HB 1162	Amended	Jan. 1, 2013
§ 70	79-11-369	HB 1162	Amended	Jan. 1, 2013
§ 71	79-11-381	HB 1162	Amended	Jan. 1, 2013
§ 72	79-11-383	HB 1162	Amended	Jan. 1, 2013
§ 73	79-11-385	HB 1162	Amended	Jan. 1, 2013
§ 74	79-11-389	HB 1162	Amended	Jan. 1, 2013
§ 75	79-11-391	HB 1162	Amended	Jan. 1, 2013
§ 76	79-13-1001	HB 1162	Amended	Jan. 1, 2013
§ 77	79-13-1003	HB 1162	Added	Jan. 1, 2013
§ 78	79-13-1004	HB 1162	Added	Jan. 1, 2013
§ 79	79-13-1005	HB 1162	Added	Jan. 1, 2013
§ 80	79-13-1006	HB 1162	Added	Jan. 1, 2013
§ 81	79-13-1102	HB 1162	Amended	Jan. 1, 2013
§ 82	79-13-1106	HB 1162	Added	Jan. 1, 2013

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 83	79-13-1107	HB 1162	Added	Jan. 1, 2013
§ 84	79-13-1108	HB 1162	Added	Jan. 1, 2013
§ 85	79-13-1109	HB 1162	Added	Jan. 1, 2013
§ 86	79-14-104	HB 1162	Amended	Jan. 1, 2013
§ 87	79-14-201	HB 1162	Amended	Jan. 1, 2013
§ 88	79-14-202	HB 1162	Amended	Jan. 1, 2013
§ 89	79-14-207	HB 1162	Amended	Jan. 1, 2013
§ 90	79-14-809	HB 1162	Added	Jan. 1, 2013
§ 91	79-14-810	HB 1162	Added	Jan. 1, 2013
§ 92	79-14-811	HB 1162	Added	Jan. 1, 2013
§ 93	79-14-812	HB 1162	Added	Jan. 1, 2013
§ 94	79-14-902	HB 1162	Amended	Jan. 1, 2013
§ 95	79-14-910	HB 1162	Added	Jan. 1, 2013
§ 96	79-14-911	HB 1162	Added	Jan. 1, 2013
§ 97	79-14-912	HB 1162	Added	Jan. 1, 2013
§ 98	79-14-913	HB 1162	Added	Jan. 1, 2013
§ 99	79-14-1104	HB 1162	Amended	Jan. 1, 2013
§ 100	79-15-109	HB 1162	Amended	Jan. 1, 2013
§ 101	79-15-129	HB 1162	Amended	Jan. 1, 2013
§ 102	79-15-131	HB 1162	Amended	Jan. 1, 2013
§ 103	79-15-135	HB 1162	Amended	Jan. 1, 2013
§ 104	79-16-11	HB 1162	Amended	Jan. 1, 2013
§ 105	79-16-27	HB 1162	Amended	Jan. 1, 2013
§ 106	79-16-29	HB 1162	Amended	Jan. 1, 2013
§ 107	79-16-33	HB 1162	Amended	Jan. 1, 2013
§ 108	79-29-201	HB 1162	Amended	Jan. 1, 2013
§ 109	79-29-209	HB 1162	Amended	Jan. 1, 2013
§ 110	79-29-211	HB 1162	Amended	Jan. 1, 2013
§ 111	79-29-231	HB 1162	Amended	Jan. 1, 2013
§ 112	79-29-803	HB 1162	Amended	Jan. 1, 2013
§ 113	79-29-819	HB 1162	Amended	Jan. 1, 2013
§ 114	79-29-823	HB 1162	Amended	Jan. 1, 2013
§ 115	79-29-825	HB 1162	Amended	Jan. 1, 2013
§ 116	79-29-827	HB 1162	Amended	Jan. 1, 2013

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 117	79-29-913	HB 1162	Amended	Jan. 1, 2013
§ 118	79-29-923	HB 1162	Amended	Jan. 1, 2013
§ 119	79-29-1003	HB 1162	Amended	Jan. 1, 2013
§ 120	79-29-1023	HB 1162	Amended	Jan. 1, 2013
§ 121	79-29-1025	HB 1162	Amended	Jan. 1, 2013
§ 122	79-29-1203	HB 1162	Amended	Jan. 1, 2013
§ 123	79-4-5.01	HB 1162	Repealed	Jan. 1, 2013
§ 124	79-4-5.02	HB 1162	Repealed	Jan. 1, 2013
§ 125	79-4-5.03	HB 1162	Repealed	Jan. 1, 2013
§ 126	79-4-5.04	HB 1162	Repealed	Jan. 1, 2013
§ 127	79-4-15.07	HB 1162	Repealed	Jan. 1, 2013
§ 128	79-4-15.08	HB 1162	Repealed	Jan. 1, 2013
§ 129	79-4-15.09	HB 1162	Repealed	Jan. 1, 2013
§ 130	79-11-163	HB 1162	Repealed	Jan. 1, 2013
§ 131	79-11-165	HB 1162	Repealed	Jan. 1, 2013
§ 132	79-11-167	HB 1162	Repealed	Jan. 1, 2013
§ 133	79-11-169	HB 1162	Repealed	Jan. 1, 2013
§ 134	79-11-375	HB 1162	Repealed	Jan. 1, 2013
§ 135	79-11-377	HB 1162	Repealed	Jan. 1, 2013
§ 136	79-11-379	HB 1162	Repealed	Jan. 1, 2013
§ 137	79-15-115	HB 1162	Repealed	Jan. 1, 2013
§ 138	79-15-117	HB 1162	Repealed	Jan. 1, 2013
§ 139	79-15-119	HB 1162	Repealed	Jan. 1, 2013
§ 140	79-16-17	HB 1162	Repealed	Jan. 1, 2013
§ 141	79-16-19	HB 1162	Repealed	Jan. 1, 2013
§ 142	79-16-21	HB 1162	Repealed	Jan. 1, 2013
§ 143	79-29-113	HB 1162	Repealed	Jan. 1, 2013
§ 144	79-29-125	HB 1162	Repealed	Jan. 1, 2013
§ 145		HB 1162	Eff date	Jan. 1, 2013
383				
§ 1	25-3-39	HB 1349	Amended	AP-Apr. 17, 2012
§ 2	99-18-1	HB 1349	Amended	AP-Apr. 17, 2012
§ 3		HB 1349	Eff date	AP-Apr. 17, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
384				
§ 1	97-37-11	HB 455	Repealed	AP-Apr. 18, 2012
§ 2		HB 455	Eff date	AP-Apr. 18, 2012
385				
§ 1	47-7-49	HB 422	Amended	June 30, 2012
§ 2		HB 422	Eff date	June 30, 2012
386				
§ 1	73-57-1	SB 2527	Reenacted	July 1, 2012
§ 2	73-57-3	SB 2527	Reenacted	July 1, 2012
§ 3	73-57-5	SB 2527	Amended	July 1, 2012
§ 4	73-57-7	SB 2527	Amended	July 1, 2012
§ 5	73-57-9	SB 2527	Reenacted	July 1, 2012
§ 6	73-57-11	SB 2527	Amended	July 1, 2012
§ 7	73-57-13	SB 2527	Reenacted	July 1, 2012
§ 8	73-57-15	SB 2527	Reenacted	July 1, 2012
§ 9	73-57-17	SB 2527	Amended	July 1, 2012
§ 10	73-57-21	SB 2527	Amended	July 1, 2012
§ 11	73-57-25	SB 2527	Amended	July 1, 2012
§ 12	73-57-27	SB 2527	Amended	July 1, 2012
§ 13	73-57-29	SB 2527	Reenacted	July 1, 2012
§ 14	73-57-31	SB 2527	Reenacted	July 1, 2012
§ 15	73-57-33	SB 2527	Amended	July 1, 2012
§ 16	73-57-35	SB 2527	Amended	July 1, 2012
§ 17	73-57-37	SB 2527	Reenacted	July 1, 2012
§ 18	73-57-39	SB 2527	Reenacted	July 1, 2012
§ 19		SB 2527	Eff date	July 1, 2012
387				
§ 1	41-57-23	SB 2363	Amended	AP-Apr. 18, 2012
§ 2		SB 2363	Eff date	AP-Apr. 18, 2012
388				
§ 1	47-5-105	HB 525	Amended	July 1, 2012
§ 2		HB 525	Eff date	July 1, 2012
389				
§ 1	97-21-57	SB 2549	Amended	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2		SB 2549	Eff date	July 1, 2012
390				
§ 1	1-5-7	SB 2501	Amended	July 1, 2012
§ 2	7-3-15	SB 2501	Amended	July 1, 2012
§ 3	31-1-15	SB 2501	Amended	July 1, 2012
§ 4		SB 2501	Eff date	July 1, 2012
391				
§ 1	47-5-110	HB 369	Amended	AP-Apr. 17, 2012
§ 2		HB 369	Eff date	AP-Apr. 17, 2012
392				
§ 1	83-11-551	HB 1416	Amended	July 1, 2012
§ 2		HB 1416	Eff date	July 1, 2012
393				
§ 1	47-5-940	HB 454	Amended	AP-Apr. 18, 2012
§ 2		HB 454	Eff date	AP-Apr. 18, 2012
394				
§ 1	83-39-3	HB 631	Amended	July 1, 2012
§ 2	83-39-7	HB 631	Amended	July 1, 2012
§ 3	83-39-8	HB 631	Amended	July 1, 2012
§ 1	83-39-27	HB 631	Amended	July 1, 2012
§ 5		HB 631	Eff date	July 1, 2012
395				
§ 1	47-5-947	HB 522	Repealed	July 1, 2012
§ 2		HB 522	Eff date	July 1, 2012
396				
§ 1	19-5-10	HB 263	Amended	July 1, 2012
§ 2		HB 263	Eff date	July 1, 2012
397				
§ 1	7-7-39	HB 944	Amended	July 1, 2012
§ 2		HB 944	Eff date	July 1, 2012
398				
§ 1	Classification Pending	SB 2289	Added	July 1, 2012
§ 2		SB 2289	Eff date	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
399				
§ 1	47-5-1211	HB 440	Amended	July 1, 2012
§ 2		HB 440	Eff date	July 1, 2012
400				
§ 1	57-73-25	SB 2609	Amended	June 30, 2012
§ 2		SB 2609	Eff date	June 30, 2012
401				
§ 1	35-1-41	HB 264	Amended	July 1, 2012
§ 2		HB 264	Eff date	July 1, 2012
402				
§ 1	21-17-1	HB 987	Amended	July 1, 2012
§ 2		HB 987	Eff date	July 1, 2012
403				
§ 1	29-15-5	SB 2557	Amended	AP-Apr. 18, 2012
§ 2		SB 2557	Eff date	AP-Apr. 18, 2012
404				
§ 1	43-15-201	SB 2479	Amended	July 1, 2012
§ 2		SB 2479	Eff date	July 1, 2012
405				
§ 1	83-58-3	SB 2223	Amended	July 1, 2012
§ 2	83-58-5	SB 2223	Amended	July 1, 2012
§ 3		SB 2223	Eff date	July 1, 2012
406				
§ 1	73-65-1	SB 2526	Amended	July 1, 2012
§ 2	73-65-3	SB 2526	Amended	July 1, 2012
§ 3	73-65-5	SB 2526	Amended	July 1, 2012
§ 4	73-65-7	SB 2526	Amended	July 1, 2012
§ 5		SB 2526	Eff date	July 1, 2012
407				
§ 1	Classification Pending	SB 2572	Classification Pending	AP-Apr. 18, 2012
§ 2		SB 2572	Eff date	AP-Apr. 18, 2012
408				
§ 1	Classification Pending	HB 90	Classification Pending	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2	Classification Pending	HB 90	Classification Pending	July 1, 2012
§ 3		HB 90	Eff date	July 1, 2012
409				
§ 1	Classification Pending	SB 2670	Classification Pending	July 1, 2012
§ 2	Classification Pending	SB 2670	Classification Pending	July 1, 2012
§ 3	Classification Pending	SB 2670	Classification Pending	July 1, 2012
§ 4	Classification Pending	SB 2670	Classification Pending	July 1, 2012
§ 5	Classification Pending	SB 2670	Classification Pending	July 1, 2012
§ 6	Classification Pending	SB 2670	Classification Pending	July 1, 2012
§ 7	73-9-61	SB 2670	Amended	July 1, 2012
§ 8	73-21-97	SB 2670	Amended	July 1, 2012
§ 9	73-25-29	SB 2670	Amended	July 1, 2012
§ 10	73-26-5	SB 2670	Amended	July 1, 2012
§ 11	73-27-13	SB 2670	Amended	July 1, 2012
§ 12	73-15-29	SB 2670	Amended	July 1, 2012
§ 13	73-19-23	SB 2670	Amended	July 1, 2012
§ 14	73-6-19	SB 2670	Amended	July 1, 2012
§ 15	73-39-77	SB 2670	Amended	July 1, 2012
§ 16		SB 2670	Eff date	July 1, 2012
410				
§ 1	43-21-357	SB 2256	Amended	AP-Apr. 18, 2012
§ 2	45-33-61	SB 2256	Added	AP-Apr. 18, 2012
§ 3	45-33-26	SB 2256	Amended	July 1, 2012
§ 4	43-21-357	SB 2256	Note	July 1, 2012
§ 4		SB 2256	Eff date	July 1, 2012
§ 4	45-33-26	SB 2256	Note	July 1, 2012
§ 4	45-33-61	SB 2256	Note	July 1, 2012
411				
§ 1	Classification Pending	SB 2532	Classification Pending	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2		SB 2532	Eff date	July 1, 2012
412				
§ 1	63-3-809	HB 984	Amended	July 1, 2012
§ 2		HB 984	Eff date	July 1, 2012
413				
§ 1	21-33-323	SB 2567	Amended	July 1, 2012
§ 2	27-105-315	SB 2567	Amended	July 1, 2012
§ 3	19-9-29	SB 2567	Reenacted	July 1, 2012
§ 4		SB 2567	Eff date	July 1, 2012
414				
§ 1	71-5-11	HB 451	Amended	July 1, 2012
§ 2		HB 451	Eff date	July 1, 2012
415				
§ 1	69-2-13	HB 633	Amended	July 1, 2012
§ 2		HB 633	Eff date	July 1, 2012
416				
§ 1	73-59-1	SB 2533	Amended	July 1, 2012
§ 2	73-59-3	SB 2533	Amended	July 1, 2012
§ 3	73-59-15	SB 2533	Amended	July 1, 2012
§ 4		SB 2533	Eff date	July 1, 2012
417				
§ 1	49-19-115	HB 747	Amended	June 30, 2012
§ 2		HB 747	Eff date	June 30, 2012
418				
§ 1	Classification Pending	SB 2439	Classification Pending	AP-Apr. 18, 2012
§ 2	Classification Pending	SB 2439	Classification Pending	AP-Apr. 18, 2012
§ 3	Classification Pending	SB 2439	Classification Pending	AP-Apr. 18, 2012
§ 4	Classification Pending	SB 2439	Classification Pending	AP-Apr. 18, 2012
§ 5	Classification Pending	SB 2439	Classification Pending	AP-Apr. 18, 2012
§ 6		SB 2439	Eff date	AP-Apr. 18, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
419				
§ 1	49-5-25	HB 848	Amended	AP-Apr. 18, 2012
§ 2	49-5-27	HB 848	Repealed	AP-Apr. 18, 2012
§ 3		HB 848	Eff date	AP-Apr. 18, 2012
420				
§ 1	31-7-103	HB 998	Amended	July 1, 2012
§ 2	31-7-119	HB 998	Amended	July 1, 2012
§ 3		HB 998	Eff date	July 1, 2012
421				
§ 1	97-41-18	SB 2504	Amended	AP-Apr. 18, 2012
§ 2		SB 2504	Eff date	AP-Apr. 18, 2012
422				
§ 1	49-7-58.3	SB 2325	Amended	AP-Apr. 18, 2012
§ 2	49-11-3	SB 2325	Amended	AP-Apr. 18, 2012
§ 3	49-11-27	SB 2325	Amended	AP-Apr. 18, 2012
§ 4		SB 2325	Eff date	AP-Apr. 18, 2012
423				
§ 1	69-5-114	HB 411	Amended	July 1, 2012
§ 2		HB 411	Eff date	July 1, 2012
424				
§ 1	41-29-146	SB 2186	Amended	July 1, 2012
§ 2		SB 2186	Eff date	July 1, 2012
425				
§ 1	73-13-41	SB 2474	Amended	July 1, 2012
§ 2		SB 2474	Eff date	July 1, 2012
426				
§ 1	25-58-1	HB 1407	Amended	July 1, 2012
§ 2	25-58-21	HB 1407	Reenacted	July 1, 2012
§ 3		HB 1407	Eff date	July 1, 2012
427				
§ 1	43-21-803	HB 710	Amended	July 1, 2012
§ 2		HB 710	Eff date	July 1, 2012
428				
§ 1	67-1-5	SB 2607	Amended	AP-Apr. 18, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2		SB 2607	Eff date	AP-Apr. 18, 2012
429				
§ 1	27-101-1	HB 1452	Amended	July 1, 2012
§ 2	27-101-3	HB 1452	Amended	July 1, 2012
§ 3	27-101-5	HB 1452	Amended	July 1, 2012
§ 4	25-51-1	HB 1452	Amended	July 1, 2012
§ 5	25-51-3	HB 1452	Amended	July 1, 2012
§ 6	25-51-5	HB 1452	Amended	July 1, 2012
§ 7	25-51-7	HB 1452	Amended	July 1, 2012
§ 8		HB 1452	Eff date	July 1, 2012
430				
§ 1	41-29-144	HB 1355	Amended	July 1, 2012
§ 2		HB 1355	Eff date	July 1, 2012
431				
§ 1	93-1-5	SB 2851	Amended	July 1, 2012
§ 2	93-1-7	SB 2851	Repealed	July 1, 2012
§ 3		SB 2851	Eff date	July 1, 2012
432				
§ 1	Classification Pending	SB 2605	Classification Pending	July 1, 2012
§ 2		SB 2605	Eff date	July 1, 2012
433				
§ 1	63-1-43	SB 2109	Amended	July 1, 2012
§ 2		SB 2109	Eff date	July 1, 2012
434				
§ 1	43-13-116.1	HB 1391	Added	July 1, 2012
§ 2	81-5-55	HB 1391	Amended	July 1, 2012
§ 3	Classification Pending	HB 1391	Classification Pending	July 1, 2012
§ 4		HB 1391	Eff date	July 1, 2012
435				
§ 1	65-7-91	SB 2349	Amended	July 1, 2012
§ 2		SB 2349	Eff date	July 1, 2012
436				
§ 1	33-4-1	SB 2010	Amended	AP-Apr. 19, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2		SB 2010	Eff date	AP-Apr. 19, 2012
437				
§ 1	37-15-39	SB 2450	Amended	July 1, 2012
§ 2		SB 2450	Eff date	July 1, 2012
438				
§ 1	57-75-11	HB 1266	Amended	AP-Apr. 19, 2012
§ 2		HB 1266	Eff date	AP-Apr. 19, 2012
439				
§ 1	43-47-5	SB 2367	Amended	July 1, 2012
§ 2	43-47-19	SB 2367	Amended	July 1, 2012
§ 3	99-1-5	SB 2367	Amended	July 1, 2012
§ 4		SB 2367	Eff date	July 1, 2012
440				
§ 1	37-9-109	SB 2176	Amended	July 1, 2012
§ 2	37-9-111	SB 2176	Amended	July 1, 2012
§ 3	37-9-59	SB 2176	Amended	July 1, 2012
§ 4		SB 2176	Eff date	July 1, 2012
441				
§ 1	37-7-104	SB 2330	Added	Voting Rights Act
§ 2	37-7-103	SB 2330	Amended	Voting Rights Act
§ 3	Classification Pending	SB 2330	Classification Pending	Voting Rights Act
§ 4		SB 2330	Eff date	Voting Rights Act
442				
§ 4	25-41-5	HB 448	Amended	Voting Rights Act
§ 2	21-3-19	HB 448	Amended	Voting Rights Act
§ 3	21-5-13	HB 448	Amended	Voting Rights Act
§ 4	21-7-9	HB 448	Amended	Voting Rights Act
§ 5	21-8-11	HB 448	Amended	Voting Rights Act
§ 6	21-9-39	HB 448	Amended	Voting Rights Act
§ 7	Classification Pending	HB 448	Classification Pending	Voting Rights Act
§ 8		HB 448	Eff date	Voting Rights Act

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
443				
§ 1	Classification Pending	HB 1410	Classification Pending	July 1, 2012
§ 2	Classification Pending	HB 1410	Classification Pending	July 1, 2012
§ 3	Classification Pending	HB 1410	Classification Pending	July 1, 2012
§ 4	Classification Pending	HB 1410	Classification Pending	July 1, 2012
§ 5		HB 1410	Eff date	July 1, 2012
444				
§ 1	Classification Pending	HB 1460	Classification Pending	July 1, 2012
§ 2	Classification Pending	HB 1460	Classification Pending	July 1, 2012
§ 3		HB 1460	Eff date	July 1, 2012
445				
§ 1	7-7-27	HB 885	Amended	July 1, 2012
§ 2		HB 885	Eff date	July 1, 2012
446				
§ 1	57-105-1	HB 1257	Amended	July 1, 2012
§ 2	31-7-13	HB 1257	Amended	July 1, 2012
§ 3		HB 1257	Eff date	July 1, 2012
447				
§ 1	77-3-3	HB 825	Amended	July 1, 2012
§ 2	77-3-35	HB 825	Amended	July 1, 2012
§ 3		HB 825	Eff date	July 1, 2012
448				
§ 1	Classification Pending	HB 1245	Classification Pending	AP-Apr. 19, 2012
§ 2		HB 1245	Eff date	AP-Apr. 19, 2012
449				
§ 1	Classification Pending	HB 894	Classification Pending	Jan. 1, 2013
§ 2	Classification Pending	HB 894	Classification Pending	Jan. 1, 2013

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 3	Classification Pending	HB 894	Classification Pending	Jan. 1, 2013
§ 4	Classification Pending	HB 894	Classification Pending	Jan. 1, 2013
§ 5	Classification Pending	HB 894	Classification Pending	Jan. 1, 2013
§ 6	Classification Pending	HB 894	Classification Pending	Jan. 1, 2013
§ 7	Classification Pending	HB 894	Classification Pending	Jan. 1, 2013
§ 8	Classification Pending	HB 894	Classification Pending	Jan. 1, 2013
§ 9		HB 894	Eff date	Jan. 1, 2013
450				
§ 1	61-3-13	SB 2885	Amended	AP-Apr. 19, 2012
§ 2	61-3-15	SB 2885	Amended	AP-Apr. 19, 2012
§ 3	61-3-19	SB 2885	Amended	AP-Apr. 19, 2012
§ 4	61-3-79	SB 2885	Amended	AP-Apr. 19, 2012
§ 5	61-5-19	SB 2885	Amended	AP-Apr. 19, 2012
§ 6		SB 2885	Eff date	AP-Apr. 19, 2012
451				
§ 1	37-9-105	SB 2424	Amended	July 1, 2012
§ 2		SB 2424	Eff date	July 1, 2012
452				
§ 1	63-3-103	SB 2283	Amended	AP-Apr. 19, 2012
§ 2		SB 2283	Eff date	AP-Apr. 19, 2012
453				
§ 1	69-37-17	SB 2316	Amended	AP-Apr. 19, 2012
§ 2		SB 2316	Eff date	AP-Apr. 19, 2012
454				
§ 1	25-43-4.101	SB 2398	Added	July 1, 2012
§ 2	25-43-4.102	SB 2398	Added	July 1, 2012
§ 3	25-43-4.103	SB 2398	Added	July 1, 2012
§ 4	25-43-4.104	SB 2398	Added	July 1, 2012
§ 5	25-43-4.105	SB 2398	Added	July 1, 2012
§ 6	25-43-4.106	SB 2398	Added	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 7	25-43-4.107	SB 2398	Added	July 1, 2012
§ 8	25-43-4.108	SB 2398	Added	July 1, 2012
§ 9	Classification Pending	SB 2398	Classification Pending	July 1, 2012
§ 10	25-43-3.105	SB 2398	Amended	July 1, 2012
§ 11		SB 2398	Eff date	July 1, 2012
455				
§ 1	99-1-5	SB 2539	Amended	July 1, 2012
§ 2		SB 2539	Eff date	July 1, 2012
456				
§ 1	Classification Pending	SB 2772	Classification Pending	July 1, 2012
§ 2		SB 2772	Eff date	July 1, 2012
457				
§ 1	17-3-3	SB 2355	Amended	AP-Apr. 23, 2012
§ 2		SB 2355	Eff date	AP-Apr. 23, 2012
458				
§ 1	Classification Pending	SB 2892	Classification Pending	AP-Apr. 23, 2012
§ 2		SB 2892	Eff date	AP-Apr. 23, 2012
459				
§ 1	37-13-10	SB 2453	Repealed	AP-Apr. 23, 2012
§ 2		SB 2453	Eff date	AP-Apr. 23, 2012
460				
§ 1	Classification Pending	SB 2535	Classification Pending	AP-Apr. 23, 2012
§ 2		SB 2535	Eff date	AP-Apr. 23, 2012
461				
§ 1	37-13-80	SB 2454	Amended	July 1, 2012
§ 2		SB 2454	Eff date	July 1, 2012
462				
§ 1	67-1-14	SB 2497	Amended	Voting Rights Act
§ 2	Classification Pending	SB 2497	Classification Pending	Voting Rights Act
§ 3		SB 2497	Eff date	Voting Rights Act

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
463				
§ 1	37-7-307	SB 2452	Amended	July 1, 2012
§ 2		SB 2452	Eff date	July 1, 2012
464				
§ 1	63-9-21	SB 2802	Amended	July 1, 2012
§ 2		SB 2802	Eff date	July 1, 2012
465				
§ 1	23-15-673	SB 2552	Amended	Voting Rights Act
§ 2	23-15-687	SB 2552	Amended	Voting Rights Act
§ 3	23-15-699	SB 2552	Amended	Voting Rights Act
§ 4	23-15-637	SB 2552	Amended	Voting Rights Act
§ 5	23-15-721	SB 2552	Amended	Voting Rights Act
§ 6	Classification Pending	SB 2552	Classification Pending	Voting Rights Act
§ 7		SB 2552	Eff date	Voting Rights Act
466				
§ 1	73-11-33	SB 2339	Amended	July 1, 2012
§ 2	73-11-41	SB 2339	Amended	July 1, 2012
§ 3	73-11-43	SB 2339	Amended	July 1, 2012
§ 4	73-11-45	SB 2339	Reenacted	July 1, 2012
§ 5	73-11-47	SB 2339	Reenacted	July 1, 2012
§ 6	73-11-49	SB 2339	Amended	July 1, 2012
§ 7	73-11-51	SB 2339	Amended	July 1, 2012
§ 8	73-11-53	SB 2339	Amended	July 1, 2012
§ 9	73-11-55	SB 2339	Amended	July 1, 2012
§ 10	73-11-56	SB 2339	Amended	July 1, 2012
§ 11	73-11-57	SB 2339	Reenacted	July 1, 2012
§ 12	73-11-57.1	SB 2339	Reenacted	July 1, 2012
§ 13	73-11-58	SB 2339	Amended	July 1, 2012
§ 14	73-11-59	SB 2339	Reenacted	July 1, 2012
§ 15	73-11-61	SB 2339	Reenacted	July 1, 2012
§ 16	73-11-63	SB 2339	Reenacted	July 1, 2012
§ 17	73-11-65	SB 2339	Reenacted	July 1, 2012
§ 18	73-11-67	SB 2339	Reenacted	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 19	73-11-69	SB 2339	Amended	July 1, 2012
§ 20	73-11-71	SB 2339	Amended	July 1, 2012
§ 21	Classification Pending	SB 2339	Classification Pending	July 1, 2012
§ 22		SB 2339	Eff date	July 1, 2012
467				
§ 1	21-19-69	HB 535	Added	July 1, 2012
§ 2	19-5-73	HB 535	Amended	July 1, 2012
§ 3	19-5-93	HB 535	Amended	July 1, 2012
§ 4		HB 535	Eff date	July 1, 2012
468				
§ 1	19-31-5	HB 1261	Amended	AP-Apr. 24, 2012
§ 2	19-31-7	HB 1261	Amended	AP-Apr. 24, 2012
§ 3	19-31-9	HB 1261	Amended	AP-Apr. 24, 2012
§ 4	19-31-17	HB 1261	Amended	AP-Apr. 24, 2012
§ 5	19-31-19	HB 1261	Amended	AP-Apr. 24, 2012
§ 6	19-31-23	HB 1261	Amended	AP-Apr. 24, 2012
§ 7	19-31-29	HB 1261	Amended	AP-Apr. 24, 2012
§ 8	19-31-33	HB 1261	Amended	AP-Apr. 24, 2012
§ 9	19-31-35	HB 1261	Amended	AP-Apr. 24, 2012
§ 10	19-31-39	HB 1261	Amended	AP-Apr. 24, 2012
§ 11	19-31-43	HB 1261	Amended	AP-Apr. 24, 2012
§ 12	19-31-45	HB 1261	Amended	AP-Apr. 24, 2012
§ 13	19-31-47	HB 1261	Amended	AP-Apr. 24, 2012
§ 14		HB 1261	Eff date	AP-Apr. 24, 2012
469				
§ 1	Classification Pending	HB 423	Classification Pending	July 1, 2012
§ 2		HB 423	Eff date	July 1, 2012
470				
§ 1	43-1-1	HB 833	Amended	June 30, 2012
§ 2	43-1-2	HB 833	Amended	June 30, 2012
§ 3	43-1-3	HB 833	Amended	June 30, 2012
§ 4	43-1-5	HB 833	Amended	June 30, 2012
§ 5	43-27-20	HB 833	Amended	June 30, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 6	43-1-55	HB 833	Amended	June 30, 2012
§ 7	43-27-107	HB 833	Amended	June 30, 2012
§ 8		HB 833	Eff date	June 30, 2012
471				
§ 1	23-15-33	HB 995	Amended	Voting Rights Act
§ 2	23-15-625	HB 995	Amended	Voting Rights Act
§ 3	23-15-657	HB 995	Amended	Voting Rights Act
§ 4	23-15-687	HB 995	Amended	Voting Rights Act
§ 5	23-15-733	HB 995	Amended	Voting Rights Act
§ 6	23-15-35	HB 995	Reenacted	Voting Rights Act
§ 7	Classification Pending	HB 995	Classification Pending	Voting Rights Act
§ 8		HB 995	Eff date	Voting Rights Act
472				
§ 1	Classification Pending	HB 317	Classification Pending	AP-Apr. 24, 2012
§ 2	Classification Pending	HB 317	Classification Pending	AP-Apr. 24, 2012
§ 3	Classification Pending	HB 317	Classification Pending	AP-Apr. 24, 2012
§ 4	Classification Pending	HB 317	Classification Pending	AP-Apr. 24, 2012
§ 5	Classification Pending	HB 317	Classification Pending	AP-Apr. 24, 2012
§ 6	Classification Pending	HB 317	Classification Pending	AP-Apr. 24, 2012
§ 7	Classification Pending	HB 317	Classification Pending	AP-Apr. 24, 2012
§ 8		HB 317	Eff date	AP-Apr. 24, 2012
473				
§ 1	23-15-913	HB 994	Amended	Voting Rights Act
§ 2	23-15-913	HB 994	Note	Voting Rights Act
§ 3		HB 994	Eff date	Voting Rights Act
474				
§ 1	37-23-193	HB 960	Amended	July 1, 2012
§ 2	37-23-194	HB 960	Amended	July 1, 2012
§ 3	37-23-195	HB 960	Amended	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 4	37-23-197	HB 960	Amended	July 1, 2012
§ 5	37-23-199	HB 960	Amended	July 1, 2012
§ 6	37-23-201	HB 960	Amended	July 1, 2012
§ 7	37-23-203	HB 960	Amended	July 1, 2012
§ 8		HB 960	Eff date	July 1, 2012
475				
§ 1	Classification Pending	HB 540	Classification Pending	July 1, 2012
§ 1	Classification Pending	HB 540	Classification Pending	July 1, 2012
§ 2	Classification Pending	HB 540	Classification Pending	July 1, 2012
§ 3	Classification Pending	HB 540	Classification Pending	July 1, 2012
§ 4	Classification Pending	HB 540	Classification Pending	July 1, 2012
§ 5		HB 540	Eff date	July 1, 2012
476				
§ 1	23-15-927	HB 993	Amended	Voting Rights Act
§ 2	23-15-929	HB 993	Amended	Voting Rights Act
§ 3	23-15-931	HB 993	Amended	Voting Rights Act
§ 4	23-15-937	HB 993	Amended	Voting Rights Act
§ 5	23-15-939	HB 993	Amended	Voting Rights Act
§ 6	23-15-961	HB 993	Amended	Voting Rights Act
§ 7	Classification Pending	HB 993	Classification Pending	Voting Rights Act
§ 8		HB 993	Eff date	Voting Rights Act
477				
§ 1	51-9-176	SB 2814	Amended	AP-Apr. 24, 2012
§ 2	51-9-171	SB 2814	Amended	AP-Apr. 24, 2012
§ 3	51-9-175	SB 2814	Amended	AP-Apr. 24, 2012
§ 4	51-9-177	SB 2814	Amended	AP-Apr. 24, 2012
§ 5	51-9-179	SB 2814	Amended	AP-Apr. 24, 2012
§ 6	51-9-181	SB 2814	Amended	AP-Apr. 24, 2012
§ 7	51-9-183	SB 2814	Amended	AP-Apr. 24, 2012
§ 8		SB 2814	Eff date	AP-Apr. 24, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
478				
§ 1	19-3-40	HB 515	Amended	July 1, 2012
§ 2		HB 515	Eff date	July 1, 2012
479				
§ 1	73-21-179	HB 1490	Amended	July 1, 2012
§ 2	73-21-183	HB 1490	Amended	July 1, 2012
§ 3	73-21-191	HB 1490	Added	July 1, 2012
§ 4		HB 1490	Eff date	July 1, 2012
480				
§ 1	99-47-1	HB 159	Amended	July 1, 2012
§ 2		HB 159	Eff date	July 1, 2012
481				
§ 1	79-4-1.22	HB 789	Amended	Jan. 1, 2013
§ 2	79-4-1.25	HB 789	Amended	Jan. 1, 2013
§ 3	79-4-1.29	HB 789	Amended	Jan. 1, 2013
§ 4	79-4-1.40	HB 789	Amended	Jan. 1, 2013
§ 5	79-4-1.41	HB 789	Amended	Jan. 1, 2013
§ 6	79-4-4.01	HB 789	Amended	Jan. 1, 2013
§ 7	79-4-4.02	HB 789	Amended	Jan. 1, 2013
§ 8	79-4-6.20	HB 789	Amended	Jan. 1, 2013
§ 9	79-4-7.04	HB 789	Amended	Jan. 1, 2013
§ 10	79-4-7.05	HB 789	Amended	Jan. 1, 2013
§ 11	79-4-7.09	HB 789	Added	Jan. 1, 2013
§ 12	79-4-7.22	HB 789	Amended	Jan. 1, 2013
§ 13	79-4-7.42	HB 789	Amended	Jan. 1, 2013
§ 14	79-4-8.01	HB 789	Amended	Jan. 1, 2013
§ 15	79-4-8.05	HB 789	Amended	Jan. 1, 2013
§ 16	79-4-8.06	HB 789	Amended	Jan. 1, 2013
§ 17	79-4-8.07	HB 789	Amended	Jan. 1, 2013
§ 18	79-4-8.10	HB 789	Amended	Jan. 1, 2013
§ 19	79-4-8.24	HB 789	Amended	Jan. 1, 2013
§ 20	79-4-8.26	HB 789	Added	Jan. 1, 2013
§ 21	79-4-8.31	HB 789	Amended	Jan. 1, 2013
§ 22	79-4-8.50	HB 789	Amended	Jan. 1, 2013

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 23	79-4-8.53	HB 789	Amended	Jan. 1, 2013
§ 24	79-4-8.58	HB 789	Amended	Jan. 1, 2013
§ 25	79-4-8.60	HB 789	Amended	Jan. 1, 2013
§ 26	79-4-11.01	HB 789	Amended~	Jan. 1, 2013
§ 27	79-4-11.02	HB 789	Amended	Jan. 1, 2013
§ 28	79-4-11.03	HB 789	Amended	Jan. 1, 2013
§ 29	79-4-11.04	HB 789	Amended	Jan. 1, 2013
§ 30	79-4-11.06	HB 789	Amended	Jan. 1, 2013
§ 31	79-4-11.07	HB 789	Amended	Jan. 1, 2013
§ 32	79-4-11.08	HB 789	Amended	Jan. 1, 2013
§ 33	79-4-13.20	HB 789	Amended	Jan. 1, 2013
§ 34	79-4-13.21	HB 789	Amended	Jan. 1, 2013
§ 35	79-4-13.22	HB 789	Amended	Jan. 1, 2013
§ 36	79-4-14.21	HB 789	Amended	Jan. 1, 2013
§ 37	79-4-14.22	HB 789	Amended	Jan. 1, 2013
§ 38	79-4-15.01	HB 789	Amended	Jan. 1, 2013
§ 39	79-4-15.02	HB 789	Amended	Jan. 1, 2013
§ 40	79-4-15.06	HB 789	Amended	Jan. 1, 2013
§ 41	79-4-15.31	HB 789	Amended	Jan. 1, 2013
§ 42	79-4-15.32	HB 789	Amended	Jan. 1, 2013
§ 43	79-4-16.01	HB 789	Amended	Jan. 1, 2013
§ 44	79-4-16.02	HB 789	Amended	Jan. 1, 2013
§ 45	79-4-16.06	HB 789	Amended	Jan. 1, 2013
§ 46	79-4-16.20	HB 789	Amended	Jan. 1, 2013
§ 47	79-4-17.05	HB 789	Added	Jan. 1, 2013
§ 48	79-4-16.21	HB 789	Repealed	Jan. 1, 2013
§ 49		HB 789	Eff date	Jan. 1, 2013
482				
§ 1	27-7-9	HB 1519	Amended	Jan. 1, 2012
§ 2		HB 1519	Eff date	Jan. 1, 2012
483				
§ 1	63-1-43	HB 1235	Amended	July 1, 2012
§ 2		HB 1235	Eff date	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
484				
§ 1	27-51-42.3	HB 750	Amended	July 1, 2012
§ 2		HB 750	Eff date	July 1, 2012
485				
§ 1	27-104-7	HB 1091	Amended	AP-Apr. 26, 2012
§ 2	31-7-1	HB 1091	Amended	AP-Apr. 26, 2012
§ 3	31-11-3	HB 1091	Amended	AP-Apr. 26, 2012
§ 4	59-5-1	HB 1091	Amended	AP-Apr. 26, 2012
§ 5	59-5-37	HB 1091	Amended	AP-Apr. 26, 2012
§ 6		HB 1091	Eff date	AP-Apr. 26, 2012
486				
§ 1	47-5-138	HB 371	Amended	AP-Apr. 26, 2012
§ 2		HB 371	Eff date	AP-Apr. 24, 2012
487				
§ 1	39-5-6	HB 269	Amended	July 1, 2012
§ 2		HB 269	Eff date	July 1, 2012
488				
§ 1	47-7-27	HB 372	Amended	AP-Apr. 26, 2012
§ 2		HB 372	Eff date	AP-Apr. 19, 2012
489				
§ 1	47-5-943	HB 523	Amended	AP-Apr. 26, 2012
§ 2	Classification Pending	HB 523	Classification Pending	AP-Apr. 26, 2012
§ 3		HB 523	Eff date	AP-Apr. 26, 2012
490				
§ 1	37-7-301	HB 447	Amended	July 1, 2012
§ 2		HB 447	Eff date	July 1, 2012
491				
§ 1	37-143-12	HB 1082	Added	July 1, 2012
§ 2		HB 1082	Eff date	July 1, 2012
492				
§ 1	Classification Pending	HB 696	Classification Pending	July 1, 2012
§ 2		HB 696	Eff date	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
493				
§ 1	41-29-113	HB 730	Amended	July 1, 2012
§ 2		HB 730	Eff date	July 1, 2012
494				
§ 1	Classification Pending	HB 353	Classification Pending	July 1, 2012
§ 2	Classification Pending	HB 353	Classification Pending	July 1, 2012
§ 3	Classification Pending	HB 353	Classification Pending	July 1, 2012
§ 4		HB 353	Eff date	July 1, 2012
495				
§ 1	41-29-176	HB 1507	Amended	July 1, 2012
§ 2	41-29-181	HB 1507	Amended	July 1, 2012
§ 3	41-29-185	HB 1507	Amended	July 1, 2012
§ 4		HB 1507	Eff date	July 1, 2012
496				
§ 1	97-1-5	HB 1108	Amended	AP-May 1, 2012
§ 2		HB 1108	Eff date	AP-May 1, 2012
497				
§ 1	Classification Pending	SB 2475	Classification Pending	AP-May 1, 2012
§ 2		SB 2475	Eff date	AP-May 1, 2012
498				
§ 4	25-53-1	HB 1450	Amended	July 1, 2012
§ 2	25-53-3	HB 1450	Amended	July 1, 2012
§ 3	25-53-5	HB 1450	Amended	July 1, 2012
§ 4	25-53-25	HB 1450	Amended	July 1, 2012
§ 5		HB 1450	Eff date	July 1, 2012
499				
§ 1	17-25-25	SB 2534	Added	July 1, 2012
§ 2	19-7-5	SB 2534	Amended	July 1, 2012
§ 3	21-17-1	SB 2534	Amended	July 1, 2012
§ 4	37-7-455	SB 2534	Amended	July 1, 2012
§ 5		SB 2534	Eff date	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
500				
§ 1	63-7-59	SB 2321	Amended	July 1, 2012
§ 2		SB 2321	Eff date	July 1, 2012
501				
§ 1	67-3-1	SB 2370	Amended	July 1, 2012
§ 2	67-3-5	SB 2370	Amended	July 1, 2012
§ 3	67-3-7	SB 2370	Amended	July 1, 2012
§ 4	67-3-13	SB 2370	Amended	July 1, 2012
§ 5	67-3-17	SB 2370	Amended	July 1, 2012
§ 6	67-3-49	SB 2370	Amended	July 1, 2012
§ 7	67-1-5	SB 2370	Amended	July 1, 2012
§ 8		SB 2370	Eff date	July 1, 2012
502				
§ 1	69-25-47	HB 634	Amended	July 1, 2012
§ 2	69-25-51	HB 634	Amended	July 1, 2012
§ 3	69-25-109	HB 634	Amended	July 1, 2012
§ 4	69-25-10	HB 634	Added	July 1, 2012
§ 5		HB 634	Eff date	July 1, 2012
503				
§ 1	99-41-5	HB 97	Amended	July 1, 2012
§ 2	99-41-11	HB 97	Amended	July 1, 2012
§ 3	99-41-17	HB 97	Amended	July 1, 2012
§ 4	99-41-21	HB 97	Amended	July 1, 2012
§ 5	99-41-23	HB 97	Amended	July 1, 2012
§ 6	99-41-29	HB 97	Amended	July 1, 2012
§ 7	99-41-31	HB 97	Amended	July 1, 2012
§ 8		HB 97	Eff date	July 1, 2012
504				
§ 1	Classification Pending	SB 2631	Classification Pending	July 1, 2012
§ 2	Classification Pending	SB 2631	Classification Pending	July 1, 2012
§ 3	Classification Pending	SB 2631	Classification Pending	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 4	Classification Pending	SB 2631	Classification Pending	July 1, 2012
§ 5	Classification Pending	SB 2631	Classification Pending	July 1, 2013
§ 6	Classification Pending	SB 2631	Classification Pending	July 1, 2012
§ 7	Classification Pending	SB 2631	Classification Pending	July 1, 2012
§ 8	63-15-4	SB 2631	Amended	July 1, 2012
§ 9	Classification Pending	SB 2631	Classification Pending	July 1, 2012
§ 10	Classification Pending	SB 2631	Classification Pending	July 1, 2012
§ 11		SB 2631	Eff date	July 1, 2012
505				
§ 1	Classification Pending	SB 2622	Classification Pending	AP-May 1, 2012
§ 2	Classification Pending	SB 2622	Classification Pending	AP-May 1, 2012
§ 3		SB 2622	Eff date	AP-May 1, 2012
506				
§ 1	Classification Pending	SB 2902	Classification Pending	July 1, 2012
§ 2		SB 2902	Eff date	July 1, 2012
507				
§ 1	27-65-19	HB 582	Amended	July 1, 2012
§ 2	27-65-19	HB 582	Note	July 1, 2012
§ 3		HB 582	Eff date	July 1, 2012
508				
§ 1	Classification Pending	HB 1281	Classification Pending	July 1, 2012
§ 2	Classification Pending	HB 1281	Classification Pending	July 1, 2012
§ 3	Classification Pending	HB 1281	Classification Pending	July 1, 2012
§ 4	Classification Pending	HB 1281	Classification Pending	July 1, 2012
§ 5	Classification Pending	HB 1281	Classification Pending	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 6	Classification Pending	HB 1281	Classification Pending	July 1, 2012
§ 7	Classification Pending	HB 1281	Classification Pending	July 1, 2012
§ 8	Classification Pending	HB 1281	Classification Pending	July 1, 2012
§ 9	Classification Pending	HB 1281	Classification Pending	July 1, 2012
§ 10	Classification Pending	HB 1281	Classification Pending	July 1, 2012
§ 11	Classification Pending	HB 1281	Classification Pending	July 1, 2012
§ 12	Classification Pending	HB 1281	Classification Pending	July 1, 2012
§ 13	Classification Pending	HB 1281	Classification Pending	July 1, 2012
§ 14	Classification Pending	HB 1281	Classification Pending	July 1, 2012
§ 15	Classification Pending	HB 1281	Classification Pending	July 1, 2012
§ 16	Classification Pending	HB 1281	Classification Pending	July 1, 2012
§ 17		HB 1281	Eff date	July 1, 2012
509				
§ 1	41-4-7	SB 2710	Amended	July 1, 2012
§ 2	41-21-77	SB 2710	Amended	July 1, 2012
§ 3		SB 2710	Eff date	July 1, 2012
510				
§ 1	63-11-30	HB 681	Amended	July 1, 2012
§ 2	97-29-31	HB 681	Amended	July 1, 2012
§ 3		HB 681	Eff date	July 1, 2012
511				
§ 1	Classification Pending	HB 707	Classification Pending	July 1, 2012
§ 2		HB 707	Eff date	July 1, 2012
512				
§ 1	27-104-7	SB 2495	Amended	July 1, 2012
§ 2		SB 2495	Eff date	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
513				
§ 1	11-46-11	SB 2845	Amended	July 1, 2012
§ 2		SB 2845	Eff date	July 1, 2012
514				
§ 1	93-21-5	HB 780	Amended	July 1, 2012
§ 2	93-21-7	HB 780	Amended	July 1, 2012
§ 3	93-21-13	HB 780	Amended	July 1, 2012
§ 4	93-21-15	HB 780	Amended	July 1, 2012
§ 5	93-21-21	HB 780	Amended	July 1, 2012
§ 6	93-21-25	HB 780	Amended	July 1, 2012
§ 7	93-22-9	HB 780	Amended	July 1, 2012
§ 8	97-3-7	HB 780	Amended	July 1, 2012
§ 9	99-3-7	HB 780	Amended	July 1, 2012
§ 10	99-5-37	HB 780	Amended	July 1, 2012
§ 11	99-5-11	HB 780	Amended	July 1, 2012
§ 12	99-15-26	HB 780	Amended	July 1, 2012
§ 13		HB 780	Eff date	July 1, 2012
515				
§ 1	37-153-1	SB 2604	Reenacted	July 1, 2012
§ 2	37-153-3	SB 2604	Reenacted	July 1, 2012
§ 3	37-153-5	SB 2604	Reenacted	July 1, 2012
§ 4	37-153-7	SB 2604	Reenacted	July 1, 2012
§ 5	37-153-9	SB 2604	Reenacted	July 1, 2012
§ 6	37-153-11	SB 2604	Reenacted	July 1, 2012
§ 7	37-153-13	SB 2604	Reenacted	July 1, 2012
§ 8	71-5-5	SB 2604	Reenacted	July 1, 2012
§ 9	71-5-11	SB 2604	Reenacted	July 1, 2012
§ 10	71-5-19	SB 2604	Reenacted	July 1, 2012
§ 11	71-5-101	SB 2604	Reenacted	July 1, 2012
§ 12	71-5-107	SB 2604	Reenacted	July 1, 2012
§ 13	71-5-109	SB 2604	Reenacted	July 1, 2012
§ 14	71-5-111	SB 2604	Reenacted	July 1, 2012
§ 15	71-5-112	SB 2604	Reenacted	July 1, 2012
§ 16	71-5-113	SB 2604	Reenacted	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 17	71-5-114	SB 2604	Reenacted	July 1, 2012
§ 18	71-5-115	SB 2604	Reenacted	July 1, 2012
§ 19	71-5-117	SB 2604	Reenacted	July 1, 2012
§ 20	71-5-119	SB 2604	Reenacted	July 1, 2012
§ 21	71-5-121	SB 2604	Reenacted	July 1, 2012
§ 22	71-5-123	SB 2604	Reenacted	July 1, 2012
§ 23	71-5-125	SB 2604	Reenacted	July 1, 2012
§ 24	71-5-127	SB 2604	Reenacted	July 1, 2012
§ 25	71-5-129	SB 2604	Reenacted	July 1, 2012
§ 26	71-5-131	SB 2604	Reenacted	July 1, 2012
§ 27	71-5-133	SB 2604	Reenacted	July 1, 2012
§ 28	71-5-135	SB 2604	Reenacted	July 1, 2012
§ 29	71-5-137	SB 2604	Reenacted	July 1, 2012
§ 30	71-5-139	SB 2604	Reenacted	July 1, 2012
§ 31	71-5-141	SB 2604	Reenacted	July 1, 2012
§ 32	71-5-143	SB 2604	Reenacted	July 1, 2012
§ 33	71-5-201	SB 2604	Reenacted	July 1, 2012
§ 34	71-5-357	SB 2604	Reenacted	July 1, 2012
§ 35	71-5-359	SB 2604	Reenacted	July 1, 2012
§ 38	71-5-451	SB 2604	Reenacted	July 1, 2012
§ 37	71-5-457	SB 2604	Reenacted	July 1, 2012
§ 38	71-5-503	SB 2604	Amended	July 1, 2012
§ 39	71-5-511	SB 2604	Reenacted	July 1, 2012
§ 40	71-5-513	SB 2604	Reenacted	July 1, 2012
§ 41	71-5-517	SB 2604	Reenacted	July 1, 2012
§ 42	71-5-519	SB 2604	Reenacted	July 1, 2012
§ 43	71-5-523	SB 2604	Reenacted	July 1, 2012
§ 44	71-5-525	SB 2604	Reenacted	July 1, 2012
§ 45	71-5-529	SB 2604	Reenacted	July 1, 2012
§ 46	71-5-531	SB 2604	Reenacted	July 1, 2012
§ 47	71-5-541	SB 2604	Reenacted	July 1, 2012
§ 48	73-30-25	SB 2604	Reenacted	July 1, 2012
§ 49	43-1-30	SB 2604	Reenacted	July 1, 2012
§ 50	43-17-5	SB 2604	Amended	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 51	43-19-45	SB 2604	Reenacted	July 1, 2012
§ 52	57-62-5	SB 2604	Reenacted	July 1, 2012
§ 53	57-62-9	SB 2604	Reenacted	July 1, 2012
§ 54	57-75-5	SB 2604	Reenacted	July 1, 2012
§ 55	57-80-7	SB 2604	Reenacted	July 1, 2012
§ 56	69-2-5	SB 2604	Reenacted	July 1, 2012
§ 57	7-1-355	SB 2604	Reenacted	July 1, 2012
§ 58	37-153-1	SB 2604	Note	July 1, 2012
§ 59	71-5-545	SB 2604	Added	July 1, 2012
§ 60	71-5-355	SB 2604	Amended	AP-May 1, 2012
§ 61		SB 2604	Eff date	July 1, 2012
516				
§ 1	37-7-211	SB 2074	Amended	Voting Rights Act
§ 2	37-7-215	SB 2074	Amended	Voting Rights Act
§ 3	37-7-217	SB 2074	Amended	Voting Rights Act
§ 4	37-7-219	SB 2074	Amended	Voting Rights Act
§ 5	37-7-213	SB 2074	Repealed	Voting Rights Act
§ 6	37-7-211	SB 2074	Note	Voting Rights Act
§ 6	37-7-213	SB 2074	Note	Voting Rights Act
§ 6	37-7-219	SB 2074	Note	Voting Rights Act
§ 6	37-7-217	SB 2074	Note	Voting Rights Act
§ 6	37-7-219	SB 2074	Note	Voting Rights Act
§ 7		SB 2074	Eff date	Voting Rights Act
517				
§ 1	23-15-11	SB 2227	Amended	Voting Rights Act
§ 2	23-15-19	SB 2227	Amended	Voting Rights Act
§ 3	23-15-151	SB 2227	Amended	Voting Rights Act
§ 4	23-15-19	SB 2227	Note	Voting Rights Act
§ 4	23-15-11	SB 2227	Note	Voting Rights Act
§ 4	23-15-151	SB 2227	Note	Voting Rights Act
§ 5		SB 2227	Eff date	Voting Rights Act
518				
§ 1	97-35-47	SB 2494	Amended	July 1, 2012
§ 2	99-43-8	SB 2494	Added	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 3		SB 2494	Eff date	July 1, 2012
519				
§ 1	97-5-51	HB 16	Added	July 1, 2012
§ 2	Classification Pending	HB 16	Classification Pending	July 1, 2012
§ 3		HB 16	Eff date	July 1, 2012
520				
§ 1	Classification Pending	HB 1537	Classification Pending	July 1, 2012
§ 2	Classification Pending	HB 1537	Classification Pending	July 1, 2012
§ 3	Classification Pending	HB 1537	Classification Pending	July 1, 2012
§ 4	Classification Pending	HB 1537	Classification Pending	July 1, 2012
§ 5	Classification Pending	HB 1537	Classification Pending	July 1, 2012
§ 6	Classification Pending	HB 1537	Classification Pending	July 1, 2012
§ 7	27-31-101	HB 1537	Amended	July 1, 2012
§ 8	27-31-104	HB 1537	Amended	July 1, 2012
§ 9	27-65-101	HB 1537	Amended	July 1, 2012
§ 10		HB 1537	Eff date	July 1, 2012
521				
§ 1	37-15-38	SB 2792	Amended	July 1, 2012
§ 2	37-151-5	SB 2792	Amended	July 1, 2012
§ 3	37-151-7	SB 2792	Amended	July 1, 2012
§ 4	Classification Pending	SB 2792	Classification Pending	July 1, 2012
§ 5		SB 2792	Eff date	July 1, 2012
522				
§ 1	71-3-1	SB 2576	Amended	July 1, 2012
§ 2	71-3-7	SB 2576	Amended	July 1, 2012
§ 3	71-3-15	SB 2576	Amended	July 1, 2012
§ 4	71-3-17	SB 2576	Amended	July 1, 2012
§ 5	71-3-19	SB 2576	Amended	July 1, 2012
§ 6	71-3-25	SB 2576	Amended	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 7	71-3-63	SB 2576	Amended	July 1, 2012
§ 8	71-3-121	SB 2576	Amended	July 1, 2012
§ 9	71-7-5	SB 2576	Amended	July 1, 2012
§ 10	Classification Pending	SB 2576	Classification Pending	July 1, 2012
§ 11		SB 2576	Eff date	July 1, 2012
523				
§ 1	27-7-22.5	SB 2934	Amended	July 1, 2012
§ 2		SB 2934	Eff date	July 1, 2012
524				
§ 1	Classification Pending	SB 2700	Added	AP-May 18, 2012
§ 2	Classification Pending	SB 2700	Added	AP-May 18, 2012
§ 3	Classification Pending	SB 2700	Added	AP-May 18, 2012
§ 4	Classification Pending	SB 2700	Added	AP-May 18, 2012
§ 5	Classification Pending	SB 2700	Added	AP-May 18, 2012
§ 6	Classification Pending	SB 2700	Added	AP-May 18, 2012
§ 7	Classification Pending	SB 2700	Added	AP-May 18, 2012
§ 8	Classification Pending	SB 2700	Added	AP-May 18, 2012
§ 9	Classification Pending	SB 2700	Added	AP-May 18, 2012
§ 10	Classification Pending	SB 2700	Added	AP-May 18, 2012
§ 11	Classification Pending	SB 2700	Added	AP-May 18, 2012
§ 12	Classification Pending	SB 2700	Added	AP-May 18, 2012
§ 13	43-13-117	SB 2700	Amended	AP-May 18, 2012
§ 14	41-7-191	SB 2700	Amended	AP-May 18, 2012
§ 15		SB 2700	Eff date	AP-May 18, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
525				
§ 1	37-17-6	SB 2737	Amended	Voting Rights Act
§ 2	37-17-13	SB 2737	Amended	Voting Rights Act
§ 3	37-5-71	SB 2737	Amended	Voting Rights Act
§ 4	37-5-71	SB 2737	Note	Voting Rights Act
§ 4	37-17-6	SB 2737	Note	Voting Rights Act
§ 4	37-17-13	SB 2737	Note	Voting Rights Act
§ 5		SB 2737	Eff date	Voting Rights Act
526				
§ 1	Classification Pending	HB 921	Classification Pending	Voting Rights Act
§ 2	Classification Pending	HB 921	Classification Pending	Voting Rights Act
§ 3	23-15-135	HB 921	Amended	Voting Rights Act
§ 4	23-15-11	HB 921	Amended	Voting Rights Act
§ 5	23-15-541	HB 921	Amended	Voting Rights Act
§ 6	23-15-631	HB 921	Amended	Voting Rights Act
§ 7	23-15-639	HB 921	Amended	Voting Rights Act
§ 8	23-15-719	HB 921	Amended	Voting Rights Act
§ 9	45-1-37	HB 921	Amended	Voting Rights Act
§ 10	45-1-37	HB 921	Note	Voting Rights Act
§ 10	23-15-135	HB 921	Note	Voting Rights Act
§ 10	23-15-11	HB 921	Note	Voting Rights Act
§ 10	23-15-719	HB 921	Note	Voting Rights Act
§ 10	23-15-639	HB 921	Note	Voting Rights Act
§ 10	23-15-631	HB 921	Note	Voting Rights Act
§ 10	23-15-135	HB 921	Note	Voting Rights Act
§ 11		HB 921	Eff date	Voting Rights Act
527				
§ 1	Classification Pending	SB 2779	Classification Pending	AP-May 17, 2012
§ 2		SB 2779	Eff date	
528				
§ 1	63-7-59	SB 2493	Amended	July 1, 2012
§ 2		SB 2493	Eff date	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
529				
§ 1	Classification Pending	SB 2854	Classification Pending	July 1, 2012
§ 2	93-13-135	SB 2854	Amended	July 1, 2012
§ 3		SB 2854	Eff date	July 1, 2012
530				
§ 1	43-13-107	HB 421	Amended	AP-May 22, 2012
§ 2	43-13-117	HB 421	Amended	AP-May 22, 2012
§ 3	43-13-121	HB 421	Amended	AP-May 22, 2012
§ 4	43-13-145	HB 421	Amended	AP-May 22, 2012
§ 5	Classification Pending	HB 421	Classification Pending	AP-May 22, 2012
§ 6		HB 421	Eff date	AP-May 22, 2012
531				
§ 1	73-34-45	SB 2903	Amended	July 1, 2012
§ 2	73-34-103	SB 2903	Amended	July 1, 2012
§ 3		SB 2903	Eff date	July 1, 2012
532				
§ 1	83-41-219	HB 1297	Amended	July 1, 2012
§ 2		HB 1297	Eff date	July 1, 2012
533				
§ 1	97-32-9	SB 2798	Amended	July 1, 2012
§ 2		SB 2798	Eff date	July 1, 2012
534				
§ 1	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 2	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 3	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 4	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 5	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 6	Classification Pending	SB 2661	Classification Pending	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 7	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 8	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 9	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 10	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 11	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 12	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 13	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 14	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 15	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 16	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 17	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 18	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 19	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 20	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 21	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 22	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 23	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 24	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 25	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 26	Classification Pending	SB 2661	Classification Pending	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 27	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 28	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 29	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 30	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 31	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 32	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 33	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 34	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 35	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 36	Classification Pending	SB 2661	Classification Pending	July 1, 2012
§ 37	27-19-44	SB 2661	Amended	July 1, 2012
§ 38	27-19-51	SB 2661	Amended	July 1, 2012
§ 39	27-19-56.14	SB 2661	Amended	July 1, 2012
§ 40	27-19-56.15	SB 2661	Amended	July 1, 2012
§ 41	27-19-56.47	SB 2661	Amended	July 1, 2012
§ 42	27-19-56.72	SB 2661	Amended	July 1, 2012
§ 43	27-19-56.74	SB 2661	Amended	July 1, 2012
§ 44	27-19-56.172	SB 2661	Amended	July 1, 2012
§ 45	27-19-56.176	SB 2661	Amended	July 1, 2012
§ 46	27-19-56.195	SB 2661	Amended	July 1, 2012
§ 47	27-19-56.246	SB 2661	Amended	July 1, 2012
§ 48	27-19-56.261	SB 2661	Amended	July 1, 2012
§ 49	27-19-56.281	SB 2661	Amended	July 1, 2012
§ 50	27-19-35	SB 2661	Amended	July 1, 2012
§ 51		SB 2661	Eff date	July 1, 2012
535				
§ 1	Classification Pending	HB 166	Classification Pending	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2		HB 166	Eff date	July 1, 2012
536				
§ 1	97-17-71	HB 1094	Amended	July 1, 2012
§ 2		HB 1094	Eff date	July 1, 2012
537				
§ 1	65-43-1	HB 815	Amended	July 1, 2012
§ 2	65-43-3	HB 815	Amended	July 1, 2012
§ 3		HB 815	Eff date	July 1, 2012
538				
§ 1	47-5-64	SB 2786	Amended	July 1, 2012
§ 2	47-5-66	SB 2786	Amended	July 1, 2012
§ 3		SB 2786	Eff date	July 1, 2012
539				
§ 1	65-3-137	HB 86	Amended	July 1, 2012
§ 2	65-3-3	HB 86	Amended	July 1, 2012
§ 3		HB 86	Eff date	July 1, 2012
540				
§ 1	17-2-7	SB 2634	Amended	AP-May 25, 2012
§ 2	17-2-9	SB 2634	Amended	AP-May 25, 2012
§ 3		SB 2634	Eff date	AP-May 25, 2012
541				
§ 1	Classification Pending	SB 2825	Classification Pending	July 1, 2012
§ 2	Classification Pending	SB 2825	Classification Pending	July 1, 2012
§ 3	Classification Pending	SB 2825	Classification Pending	July 1, 2012
§ 4	Classification Pending	SB 2825	Classification Pending	July 1, 2012
§ 5	Classification Pending	SB 2825	Classification Pending	July 1, 2012
§ 6		SB 2825	Eff date	July 1, 2012
542				
§ 1	77-1-1	SB 2429	Reenacted	July 1, 2012
§ 2	77-1-3	SB 2429	Reenacted	July 1, 2012
§ 3	77-1-5	SB 2429	Reenacted	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 4	77-1-6	SB 2429	Reenacted	July 1, 2012
§ 5	77-1-11	SB 2429	Reenacted	July 1, 2012
§ 6	77-1-15	SB 2429	Reenacted	July 1, 2012
§ 7	77-1-17	SB 2429	Reenacted	July 1, 2012
§ 8	77-1-19	SB 2429	Reenacted	July 1, 2012
§ 9	77-1-21	SB 2429	Reenacted	July 1, 2012
§ 10	77-1-25	SB 2429	Reenacted	July 1, 2012
§ 11	77-1-27	SB 2429	Reenacted	July 1, 2012
§ 12	77-1-29	SB 2429	Reenacted	July 1, 2012
§ 13	77-1-31	SB 2429	Reenacted	July 1, 2012
§ 14	77-1-33	SB 2429	Reenacted	July 1, 2012
§ 15	77-1-35	SB 2429	Reenacted	July 1, 2012
§ 16	77-1-37	SB 2429	Reenacted	July 1, 2012
§ 17	77-1-39	SB 2429	Reenacted	July 1, 2012
§ 18	77-1-41	SB 2429	Reenacted	July 1, 2012
§ 19	77-1-43	SB 2429	Reenacted	July 1, 2012
§ 20	77-1-47	SB 2429	Reenacted	July 1, 2012
§ 21	77-1-49	SB 2429	Reenacted	July 1, 2012
§ 22	77-1-51	SB 2429	Amended	July 1, 2012
§ 23		SB 2429	Eff date	July 1, 2012
543				
§ 1	Classification Pending	SB 2761	Classification Pending	July 1, 2012
§ 2	37-7-301	SB 2761	Amended	July 1, 2012
§ 3	37-61-33	SB 2761	Amended	July 1, 2012
§ 4	31-7-9	SB 2761	Amended	July 1, 2012
§ 5	37-151-103	SB 2761	Amended	July 1, 2012
§ 6	37-9-39	SB 2761	Amended	July 1, 2012
§ 7	37-7-307	SB 2761	Amended	July 1, 2012
§ 8		SB 2761	Eff date	July 1, 2012
544				
§ 1	63-7-64	HB 1203	Amended	AP-May 26, 2012
§ 2	63-31-3	HB 1203	Amended	July 1, 2012
§ 3	63-3-121	HB 1203	Amended	AP-May 26, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 4		HB 1203	Eff date	AP-May 26, 2012
545				
§ 1	47-7-4	SB 2731	Amended	AP-May 25, 2012
§ 2		SB 2731	Eff date	AP-May 25, 2012
546				
§ 1	7-5-1	HB 211	Amended	July 1, 2012
§ 2	7-5-5	HB 211	Amended	July 1, 2012
§ 3	7-5-7	HB 211	Amended	July 1, 2012
§ 4	7-5-8	HB 211	Added	July 1, 2012
§ 5	7-5-21	HB 211	Amended	July 1, 2012
§ 6	7-5-39	HB 211	Amended	July 1, 2012
§ 7	27-104-105	HB 211	Amended	July 1, 2012
§ 8	7-7-225	HB 211	Amended	July 1, 2012
§ 9	17-18-41	HB 211	Amended	July 1, 2012
§ 10	27-33-49	HB 211	Amended	July 1, 2012
§ 11	27-104-17	HB 211	Amended	July 1, 2012
§ 12	27-104-19	HB 211	Amended	July 1, 2012
§ 13	29-3-39	HB 211	Amended	July 1, 2012
§ 14	31-29-23	HB 211	Amended	July 1, 2012
§ 15	41-9-35	HB 211	Amended	July 1, 2012
§ 16	43-11-27	HB 211	Amended	July 1, 2012
§ 17	43-15-121	HB 211	Amended	July 1, 2012
§ 18	43-16-21	HB 211	Amended	July 1, 2012
§ 19	43-20-21	HB 211	Amended	July 1, 2012
§ 20	43-27-14	HB 211	Amended	July 1, 2012
§ 21	49-5-98	HB 211	Amended	July 1, 2012
§ 22	53-1-47	HB 211	Amended	July 1, 2012
§ 23	57-10-533	HB 211	Amended	July 1, 2012
§ 24	57-61-35	HB 211	Amended	July 1, 2012
§ 25	57-71-33	HB 211	Amended	July 1, 2012
§ 26	57-77-39	HB 211	Amended	July 1, 2012
§ 27	59-5-65	HB 211	Amended	July 1, 2012
§ 28	59-17-57	HB 211	Amended	July 1, 2012
§ 29	65-26-37	HB 211	Amended	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 30	69-2-33	HB 211	Amended	July 1, 2012
§ 31	69-27-359	HB 211	Amended	July 1, 2012
§ 32	73-11-49	HB 211	Amended	July 1, 2012
§ 33	73-13-39	HB 211	Amended	July 1, 2012
§ 34	73-13-95	HB 211	Amended	July 1, 2012
§ 35	73-15-33	HB 211	Amended	July 1, 2012
§ 36	73-29-39	HB 211	Amended	July 1, 2012
§ 37	73-29-43	HB 211	Amended	July 1, 2012
§ 38	73-31-25	HB 211	Amended	July 1, 2012
§ 39	73-36-35	HB 211	Amended	July 1, 2012
§ 40	73-63-25	HB 211	Amended	July 1, 2012
§ 41	75-76-25	HB 211	Amended	July 1, 2012
§ 42	83-1-5	HB 211	Amended	July 1, 2012
§ 43	97-33-109	HB 211	Amended	July 1, 2012
§ 44		HB 211	Eff date	July 1, 2012
547				
§ 1	Classification Pending	SB 2899	Classification Pending	July 1, 2012
§ 2	43-13-407	SB 2899	Amended	July 1, 2012
§ 3	27-7-309	SB 2899	Amended	July 1, 2012
§ 4	27-65-33	SB 2899	Amended	July 1, 2012
§ 5	27-67-17	SB 2899	Amended	July 1, 2012
§ 6	Classification Pending	SB 2899	Classification Pending	July 1, 2012
§ 7	Classification Pending	SB 2899	Classification Pending	July 1, 2012
§ 8		SB 2899	Eff date	July 1, 2012
548				
§ 1	37-23-137	HB 1405	Amended	July 1, 2012
§ 2	37-23-31	HB 1405	Amended	July 1, 2012
§ 3	37-23-195	HB 1405	Amended	July 1, 2012
§ 4	Classification Pending	HB 1405	Classification Pending	July 1, 2012
§ 5		HB 1405	Eff date	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
549				
§ 1	51-9-1	SB 2703	Amended	July 1, 2012
§ 2	51-9-107	SB 2703	Amended	July 1, 2012
§ 3		SB 2703	Eff date	July 1, 2012
550				
§ 1	63-9-21	HB 929	Amended	July 1, 2012
§ 2	63-11-5	HB 929	Amended	July 1, 2012
§ 3		HB 929	Eff date	July 1, 2012
551				
§ 1	37-7-104.1	SB 2760	Added	Voting Rights Act
§ 2	37-7-103	SB 2760	Amended	Voting Rights Act
§ 3	37-27-79	SB 2760	Amended	Voting Rights Act
§ 4	37-13-134.1	SB 2760	Note	Voting Rights Act
§ 4	37-13-134	SB 2760	Note	Voting Rights Act
§ 4	37-27-79	SB 2760	Note	Voting Rights Act
§ 5		SB 2760	Eff date	Voting Rights Act
552				
§ 1	43-19-34	HB 1157	Amended	AP-May 26, 2012
§ 2	43-19-101	HB 1157	Amended	AP-May 26, 2012
§ 3	43-19-103	HB 1157	Amended	AP-May 26, 2012
§ 4		HB 1157	Eff date	AP-May 26, 2012
553				
§ 1	Classification Pending	HB 621	Classification Pending	AP-May 25, 2012
§ 2	43-27-39	HB 621	Amended	AP-May 25, 2012
§ 3	Classification Pending	HB 621	Classification Pending	AP-May 25, 2012
§ 4	Classification Pending	HB 621	Classification Pending	AP-May 25, 2012
§ 5		HB 621	Eff date	AP-May 25, 2012
554				
§ 1	99-19-73	HB 878	Amended	July 1, 2012
§ 2	Classification Pending	HB 878	Classification Pending	July 1, 2012
§ 3	Classification Pending	HB 878	Classification Pending	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 4	Classification Pending	HB 878	Classification Pending	July 1, 2012
§ 5	37-115-43	HB 878	Amended	July 1, 2012
§ 6	Classification Pending	HB 878	Classification Pending	July 1, 2012
§ 7	97-15-29	HB 878	Amended	July 1, 2012
§ 8		HB 878	Eff date	July 1, 2012
555				
§ 1	37-13-134	SB 2752	Amended	July 1, 2012
§ 2	Classification Pending	SB 2752	Classification Pending	July 1, 2012
§ 3		SB 2752	Eff date	July 1, 2012
556				
§ 1	93-17-3	HB 1268	Amended	July 1, 2012
§ 2	93-17-205	HB 1268	Amended	July 1, 2012
§ 3		HB 1268	Eff date	July 1, 2012
557				
§ 1	97-29-61	SB 2376	Amended	July 1, 2012
§ 2	97-29-63	SB 2376	Amended	July 1, 2012
§ 3	45-33-23	SB 2376	Amended	July 1, 2012
§ 4		SB 2376	Eff date	July 1, 2012
558				
§ 1	Classification Pending	SB 2898	Classification Pending	AP-May 25, 2012
§ 2		SB 2898	Eff date	AP-May 25, 2012
559				
§ 1	Classification Pending	SB 2917	Classification Pending	July 1, 2012
§ 2		SB 2917	Eff date	July 1, 2012
560				
§ 1	Classification Pending	HB 1031	Classification Pending	July 1, 2012
§ 2	Classification Pending	HB 1031	Classification Pending	July 1, 2012
§ 3	Classification Pending	HB 1031	Classification Pending	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 4	Classification Pending	HB 1031	Classification Pending	July 1, 2012
§ 5	Classification Pending	HB 1031	Classification Pending	July 1, 2012
§ 6	Classification Pending	HB 1031	Classification Pending	July 1, 2012
§ 7	Classification Pending	HB 1031	Classification Pending	July 1, 2012
§ 8	Classification Pending	HB 1031	Classification Pending	July 1, 2012
§ 9	Classification Pending	HB 1031	Classification Pending	July 1, 2012
§ 10	Classification Pending	HB 1031	Classification Pending	July 1, 2012
§ 11	Classification Pending	HB 1031	Classification Pending	July 1, 2012
§ 12	Classification Pending	HB 1031	Classification Pending	July 1, 2012
§ 13	Classification Pending	HB 1031	Classification Pending	July 1, 2012
§ 14	Classification Pending	HB 1031	Classification Pending	July 1, 2012
§ 15	Classification Pending	HB 1031	Classification Pending	July 1, 2012
§ 16	Classification Pending	HB 1031	Classification Pending	July 1, 2012
§ 17		HB 1031	Eff date	July 1, 2012
561				
§ 1	45-3-9	SB 2461	Amended	AP-May 25, 2012
§ 2	63-1-35	SB 2461	Amended	AP-May 25, 2012
§ 3	45-35-3	SB 2461	Amended	AP-May 25, 2012
§ 4		SB 2461	Eff date	AP-May 25, 2012
562				
§ 1	Classification Pending	HB 1032	Classification Pending	July 1, 2012
§ 2	Classification Pending	HB 1032	Classification Pending	July 1, 2012
§ 3	Classification Pending	HB 1032	Classification Pending	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 4		HB 1032	Eff date	July 1, 2012
563				
§ 1	37-17-6	SB 2776	Amended	July 1, 2012
§ 2		SB 2776	Eff date	July 1, 2012
564				
§ 1	43-21-159	SB 2598	Amended	July 1, 2012
§ 2	43-21-301	SB 2598	Amended	July 1, 2012
§ 3	43-21-321	SB 2598	Amended	July 1, 2012
§ 4	Classification Pending	SB 2598	Classification Pending	July 1, 2012
§ 5		SB 2598	Eff date	July 1, 2012
565				
§ 1	41-43-37	SB 2580	Amended	July 1, 2012
§ 2		SB 2580	Eff date	July 1, 2012
566				
§ 1	27-3-83	SB 2368	Amended	July 1, 2012
§ 2	67-1-51	SB 2368	Amended	July 1, 2012
§ 3	67-3-17	SB 2368	Amended	July 1, 2012
§ 4	27-69-21	SB 2368	Amended	July 1, 2012
§ 5	27-69-49	SB 2368	Amended	July 1, 2012
§ 6	27-7-345	SB 2368	Amended	July 1, 2012
§ 7	27-65-39	SB 2368	Amended	July 1, 2012
§ 8	27-69-9	SB 2368	Amended	AP-May 25, 2012
§ 9	63-17-171	SB 2368	Amended	AP-May 25, 2012
§ 10	27-69-9	SB 2368	Note	July 1, 2012
§ 10	27-65-39	SB 2368	Note	July 1, 2012
§ 10	27-7-345	SB 2368	Note	July 1, 2012
§ 10	67-3-17	SB 2368	Note	July 1, 2012
§ 10	67-1-51	SB 2368	Note	July 1, 2012
§ 10	27-3-83	SB 2368	Note	July 1, 2012
§ 10	27-69-49	SB 2368	Note	July 1, 2012
§ 10	27-69-21	SB 2368	Note	July 1, 2012
§ 10		SB 2368	Eff date	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
567				
§ 1	7-7-211	HB 927	Amended	July 1, 2012
§ 2	7-7-213	HB 927	Amended	July 1, 2012
§ 3	29-9-13	HB 927	Amended	July 1, 2012
§ 4		HB 927	Eff date	July 1, 2012
568				
§ 1	37-153-11	SB 2655	Amended	July 1, 2012
§ 2		SB 2655	Eff date	July 1, 2012
569				
§ 1	Classification Pending	SB 2600	Classification Pending	July 1, 2012
§ 2	67-3-51	SB 2600	Amended	July 1, 2012
§ 3	67-3-55	SB 2600	Amended	July 1, 2012
§ 4	27-71-301	SB 2600	Amended	July 1, 2012
§ 5	67-3-47	SB 2600	Note	July 1, 2012
§ 6		SB 2600	Eff date	July 1, 2012
570				
§ 1	57-115-3	SB 2659	Amended	July 1, 2012
§ 2	57-115-5	SB 2659	Amended	July 1, 2012
§ 3	57-115-7	SB 2659	Amended	July 1, 2012
§ 4	57-115-9	SB 2659	Amended	July 1, 2012
§ 5		SB 2659	Eff date	July 1, 2012
571				
§ 1	81-18-1	SB 2897	Reenacted	July 1, 2012
§ 2	81-18-3	SB 2897	Reenacted	July 1, 2012
§ 3	81-18-5	SB 2897	Reenacted	July 1, 2012
§ 4	81-18-7	SB 2897	Reenacted	July 1, 2012
§ 5	81-18-8	SB 2897	Reenacted	July 1, 2012
§ 5	81-18-9	SB 2897	Reenacted	July 1, 2012
§ 6	81-18-11	SB 2897	Reenacted	July 1, 2012
§ 7	81-18-13	SB 2897	Reenacted	July 1, 2012
§ 8	81-18-14	SB 2897	Reenacted	July 1, 2012
§ 9	81-18-15	SB 2897	Reenacted	July 1, 2012
§ 10	81-18-17	SB 2897	Reenacted	July 1, 2012

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2012 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 11	81-18-19	SB 2897	Reenacted	July 1, 2012
§ 12	81-18-21	SB 2897	Reenacted	July 1, 2012
§ 13	81-18-23	SB 2897	Reenacted	July 1, 2012
§ 14	81-18-25	SB 2897	Reenacted	July 1, 2012
§ 15	81-18-27	SB 2897	Reenacted	July 1, 2012
§ 16	81-18-28	SB 2897	Reenacted	July 1, 2012
§ 17	81-18-29	SB 2897	Reenacted	July 1, 2012
§ 18	81-18-31	SB 2897	Reenacted	July 1, 2012
§ 19	81-18-33	SB 2897	Reenacted	July 1, 2012
§ 20	81-18-35	SB 2897	Reenacted	July 1, 2012
§ 21	81-18-36	SB 2897	Reenacted	July 1, 2012
§ 22	81-18-37	SB 2897	Reenacted	July 1, 2012
§ 23	81-18-39	SB 2897	Reenacted	July 1, 2012
§ 24	81-18-40	SB 2897	Reenacted	July 1, 2012
§ 25	81-18-41	SB 2897	Reenacted	July 1, 2012
§ 26	81-18-45	SB 2897	Reenacted	July 1, 2012
§ 26	81-18-43	SB 2897	Reenacted	July 1, 2012
§ 26	81-18-45	SB 2897	Reenacted	July 1, 2012
§ 27	81-18-51	SB 2897	Amended	July 1, 2012
§ 28	81-18-53	SB 2897	Reenacted	July 1, 2012
§ 29	81-18-61	SB 2897	Reenacted	July 1, 2012
§ 30	81-18-63	SB 2897	Reenacted	July 1, 2012
§ 31	Classification Pending	SB 2897	Classification Pending	July 1, 2012
§ 32		SB 2897	Eff date	July 1, 2012

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CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
1-3-61	Amended	374	sb2855	1	1
1-5-7	Amended	390	sb2501	1	1
7-1-355	Reenacted	515	sb2604	57	2
7-3-15	Amended	390	sb2501	2	1
7-5-1	Amended	546	hb0211	1	3
7-5-5	Amended	546	hb0211	2	3
7-5-7	Amended	546	hb0211	3	3
7-5-8	Added	546	hb0211	4	3
7-5-21	Amended	546	hb0211	5	3
7-5-39	Amended	546	hb0211	6	3
7-7-27	Amended	445	hb0885	1	2
7-7-39	Amended	397	hb0944	1	2
7-7-211	Amended	567	hb0927	1	3
7-7-213	Amended	567	hb0927	2	3
7-7-225	Amended	546	hb0211	8	3
9-9-11	Amended	329	hb0484	8	1
9-9-11	Note	329	hb0484	10	1
9-21-45	Amended	329	hb0484	2	1
9-21-45	Note	329	hb0484	11	1
11-46-11	Amended	513	sb2845	1	2
17-2-3	Amended	310	sb2651	1	1
17-2-7	Amended	303	hb0773	1	1
17-2-7	Amended	540	sb2634	1	3
17-2-9	Amended	303	hb0773	2	1
17-2-9	Amended	540	sb2634	2	3
17-3-3	Amended	457	sb2355	1	2
17-18-41	Amended	546	hb0211	9	3
17-25-25	Added	499	sb2534	1	2
19-3-1	Amended	353	hb0585	2	1
19-3-1	Note	353	hb0585	3	1
19-3-19	Amended	354	sb2884	1	1
19-3-40	Amended	478	hb0515	1	2
19-5-10	Amended	396	hb0263	1	1
19-5-73	Amended	467	hb0535	2	2
19-5-93	Amended	467	hb0535	3	2
19-5-105	Amended	366	hb0545	1	1
19-7-5	Amended	499	sb2534	2	2
19-9-29	Reenacted	413	sb2567	3	1
19-31-5	Amended	468	hb1261	1	2
19-31-7	Amended	468	hb1261	2	2
19-31-9	Amended	468	hb1261	3	2
19-31-17	Amended	468	hb1261	4	2
19-31-19	Amended	468	hb1261	5	2
19-31-23	Amended	468	hb1261	6	2
19-31-29	Amended	468	hb1261	7	2
19-31-33	Amended	468	hb1261	8	2
19-31-35	Amended	468	hb1261	9	2
19-31-39	Amended	468	hb1261	10	2
19-31-43	Amended	468	hb1261	11	2
19-31-45	Amended	468	hb1261	12	2
19-31-47	Amended	468	hb1261	13	2

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
21-3-19	Amended	442	hb0448	2	2
21-5-13	Amended	442	hb0448	3	2
21-7-9	Amended	442	hb0448	4	2
21-8-11	Amended	442	hb0448	5	2
21-9-39	Amended	442	hb0448	6	2
21-17-1	Amended	402	hb0987	1	1
21-17-1	Amended	499	sb2534	3	2
21-19-69	Added	467	hb0535	1	2
21-33-45	Amended	352	sb2886	2	1
21-33-323	Amended	413	sb2567	1	1
21-43-113	Amended	373	hb0968	4	1
21-43-117	Amended	373	hb0968	1	1
21-43-119	Amended	373	hb0968	2	1
21-43-131	Amended	373	hb0968	3	1
23-15-11	Amended	517	sb2227	1	3
23-15-11	Note	517	sb2227	4	3
23-15-11	Amended	526	hb0921	4	3
23-15-11	Note	526	hb0921	10	3
23-15-19	Amended	517	sb2227	2	3
23-15-19	Note	517	sb2227	4	3
23-15-33	Amended	471	hb0995	1	2
23-15-35	Reenacted	471	hb0995	6	2
23-15-135	Amended	526	hb0921	3	3
23-15-135	Note	526	hb0921	10	3
23-15-135	Note	526	hb0921	11	3
23-15-151	Amended	517	sb2227	3	3
23-15-151	Note	517	sb2227	4	3
23-15-285	Amended	353	hb0585	1	1
23-15-285	Note	353	hb0585	3	1
23-15-541	Amended	526	hb0921	5	3
23-15-625	Amended	471	hb0995	2	2
23-15-631	Amended	526	hb0921	6	3
23-15-631	Note	526	hb0921	10	3
23-15-637	Amended	465	sb2552	4	2
23-15-639	Amended	526	hb0921	7	3
23-15-639	Note	526	hb0921	10	3
23-15-657	Amended	471	hb0995	3	2
23-15-673	Amended	465	sb2552	1	2
23-15-687	Amended	465	sb2552	2	2
23-15-687	Amended	471	hb0995	4	2
23-15-699	Amended	465	sb2552	3	2
23-15-719	Amended	526	hb0921	8	3
23-15-719	Note	526	hb0921	10	3
23-15-721	Amended	465	sb2552	5	2
23-15-733	Amended	471	hb0995	5	2
23-15-913	Amended	473	hb0994	1	2
23-15-913	Note	473	hb0994	2	2
23-15-927	Amended	476	hb0993	1	2
23-15-929	Amended	476	hb0993	2	2
23-15-931	Amended	476	hb0993	3	2
23-15-937	Amended	476	hb0993	4	2
23-15-939	Amended	476	hb0993	5	2
23-15-961	Amended	476	hb0993	6	2

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
25-3-35	Amended	329	hb0484	1	1
25-3-35	Note	329	hb0484	10	1
25-3-35	Note	329	hb0484	11	1
25-3-39	Amended	383	hb1349	1	3
25-7-3	Amended	329	hb0484	3	1
25-7-3	Note	329	hb0484	11	1
25-7-9	Amended	329	hb0484	4	1
25-7-9	Note	329	hb0484	11	1
25-7-13	Amended	329	hb0484	5	1
25-7-13	Note	329	hb0484	11	1
25-7-13	Amended	355	hb0361	1	1
25-9-101	Amended	329	hb0484	7	1
25-9-101	Note	329	hb0484	11	1
25-9-115	Added	329	hb0484	6	1
25-9-115	Note	329	hb0484	11	1
25-15-15	Amended	380	hb0703	1	1
25-15-303	Amended	347	hb0768	1	1
25-15-303	Amended	349	hb0997	1	1
25-41-5	Amended	442	hb0448	1	2
25-51-1	Amended	429	hb1452	4	2
25-51-3	Amended	429	hb1452	5	2
25-51-5	Amended	429	hb1452	6	2
25-51-7	Amended	429	hb1452	7	2
25-53-1	Amended	498	hb1450	1	2
25-53-3	Amended	498	hb1450	2	2
25-53-5	Amended	498	hb1450	3	2
25-53-25	Amended	498	hb1450	4	2
25-58-1	Amended	426	hb1407	1	1
25-58-21	Reenacted	426	hb1407	2	1
25-43-3.105	Amended	454	sb2398	10	2
25-43-4.101	Added	454	sb2398	1	2
25-43-4.102	Added	454	sb2398	2	2
25-43-4.103	Added	454	sb2398	3	2
25-43-4.104	Added	454	sb2398	4	2
25-43-4.105	Added	454	sb2398	5	2
25-43-4.106	Added	454	sb2398	6	2
25-43-4.107	Added	454	sb2398	7	2
25-43-4.108	Added	454	sb2398	8	2
27-3-83	Amended	566	sb2368	1	3
27-3-83	Note	566	sb2368	10	3
27-7-9	Amended	482	hb1519	1	2
27-7-22.5	Amended	523	sb2934	1	3
27-7-22.7	Reenacted	377	sb2613	1	1
27-7-22.9	Reenacted	377	sb2613	2	1
27-7-22.9	Note	377	sb2613	3	1
27-7-22.25	Reenacted	377	sb2613	4	1
27-7-22.26	Reenacted	377	sb2613	5	1
27-7-22.36	Amended	378	sb2656	1	1
27-7-309	Amended	547	sb2899	3	3
27-7-345	Amended	566	sb2368	6	3
27-7-345	Note	566	sb2368	10	3
27-19-35	Amended	534	sb2661	50	3
27-19-44	Amended	534	sb2661	37	3

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
27-19-51	Amended	534	sb2661	38	3
27-19-56.14	Amended	534	sb2661	39	3
27-19-56.15	Amended	534	sb2661	40	3
27-19-56.47	Amended	534	sb2661	41	3
27-19-56.72	Amended	534	sb2661	42	3
27-19-56.74	Amended	534	sb2661	43	3
27-31-51	Amended	342	sb2342	1	1
27-31-53	Amended	342	sb2342	2	1
27-31-101	Amended	520	hb1537	7	3
27-31-104	Amended	520	hb1537	8	3
27-33-49	Amended	546	hb0211	10	3
27-39-203	Amended	352	sb2886	1	1
27-39-205	Repealed	352	sb2886	4	1
27-39-317	Amended	352	sb2886	3	1
27-39-332	Amended	371	hb0544	1	1
27-51-42.3	Amended	484	hb0750	1	2
27-65-19	Amended	507	hb0582	1	2
27-65-19	Note	507	hb0582	2	2
27-65-33	Amended	547	sb2899	4	3
27-65-39	Amended	566	sb2368	7	3
27-65-39	Note	566	sb2368	10	3
27-65-101	Amended	520	hb1537	9	3
27-67-17	Amended	547	sb2899	5	3
27-69-9	Amended	566	sb2368	8	3
27-69-9	Note	566	sb2368	10	3
27-69-21	Amended	566	sb2368	4	3
27-69-21	Note	566	sb2368	10	3
27-69-49	Amended	566	sb2368	5	3
27-69-49	Note	566	sb2368	10	3
27-71-301	Amended	569	sb2600	4	3
27-71-509	Amended	323	sb2878	12	1
27-101-1	Amended	429	hb1452	1	2
27-101-3	Amended	429	hb1452	2	2
27-101-5	Amended	429	hb1452	3	2
27-104-7	Amended	485	hb1091	1	2
27-104-7	Amended	512	sb2495	1	2
27-104-17	Amended	546	hb0211	11	3
27-104-19	Amended	546	hb0211	12	3
27-104-105	Amended	546	hb0211	7	3
27-105-305	Amended	338	hb0966	1	1
27-105-315	Amended	413	sb2567	2	1
27-19-56.172	Amended	534	sb2661	44	3
27-19-56.176	Amended	534	sb2661	45	3
27-19-56.195	Amended	534	sb2661	46	3
27-19-56.246	Amended	534	sb2661	47	3
27-19-56.261	Amended	534	sb2661	48	3
27-19-56.281	Amended	534	sb2661	49	3
29-1-35	Amended	339	hb1117	1	1
29-1-57	Amended	339	hb1117	2	1
29-3-39	Amended	546	hb0211	13	3
29-9-13	Amended	567	hb0927	3	3
29-15-5	Amended	403	sb2557	1	1
31-1-15	Amended	390	sb2501	3	1

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31-7-1	Amended	485	hb1091	2	2
31-7-9	Amended	543	sb2761	4	3
31-7-13	Amended	446	hb1257	2	2
31-7-103	Amended	420	hb0998	1	2
31-7-119	Amended	420	hb0998	2	2
31-11-3	Amended	485	hb1091	3	2
31-29-23	Amended	546	hb0211	14	3
33-4-1	Amended	436	sb2010	1	2
33-15-17	Amended	359	hb1418	2	1
33-15-19	Amended	359	hb1418	1	1
35-1-41	Amended	401	hb0264	1	1
37-3-2	Amended	376	hb1144	1	1
37-5-71	Amended	525	sb2737	3	3
37-5-71	Note	525	sb2737	4	3
37-7-103	Amended	441	sb2330	2	2
37-7-103	Amended	551	sb2760	2	3
37-7-104	Added	441	sb2330	1	2
37-7-104.1	Added	551	sb2760	1	3
37-7-211	Amended	516	sb2074	1	2
37-7-211	Note	516	sb2074	6	2
37-7-213	Repealed	516	sb2074	5	2
37-7-213	Note	516	sb2074	6	2
37-7-215	Amended	516	sb2074	2	2
37-7-215	Note	516	sb2074	6	2
37-7-217	Amended	516	sb2074	3	2
37-7-217	Note	516	sb2074	6	2
37-7-219	Amended	516	sb2074	4	2
37-7-219	Note	516	sb2074	6	2
37-7-301	Amended	490	hb0447	1	2
37-7-301	Amended	543	sb2761	2	3
37-7-307	Amended	463	sb2452	1	2
37-7-307	Amended	543	sb2761	7	3
37-7-455	Amended	499	sb2534	4	2
37-9-39	Amended	543	sb2761	6	3
37-9-59	Amended	440	sb2176	3	2
37-9-105	Amended	451	sb2424	1	2
37-9-109	Amended	440	sb2176	1	2
37-9-111	Amended	440	sb2176	2	2
37-13-10	Repealed	459	sb2453	1	2
37-13-80	Amended	461	sb2454	1	2
37-13-134	Note	551	sb2760	4	3
37-13-134	Amended	555	sb2752	1	3
37-13-134.1	Note	551	sb2760	4	3
37-15-38	Amended	521	sb2792	1	3
37-15-39	Amended	437	sb2450	1	2
37-17-6	Amended	525	sb2737	1	3
37-17-6	Note	525	sb2737	4	3
37-17-6	Amended	563	sb2776	1	3
37-17-13	Amended	525	sb2737	2	3
37-17-13	Note	525	sb2737	4	3
37-23-31	Amended	548	hb1405	2	3
37-23-137	Amended	548	hb1405	1	3
37-23-193	Amended	474	hb0960	1	2

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
37-23-194	Amended	474	hb0960	2	2
37-23-195	Amended	474	hb0960	3	2
37-23-195	Amended	548	hb1405	3	3
37-23-197	Amended	474	hb0960	4	2
37-23-199	Amended	474	hb0960	5	2
37-23-201	Amended	474	hb0960	6	2
37-23-203	Amended	474	hb0960	7	2
37-27-19	Repealed	348	hb0948	1	1
37-27-79	Amended	551	sb2760	3	3
37-27-79	Note	551	sb2760	4	3
37-61-8	Amended	345	hb0909	1	1
37-61-33	Amended	543	sb2761	3	3
37-101-241	Amended	311	hb1086	1	1
37-103-25	Amended	301	hb1095	1	1
37-115-43	Amended	554	hb0878	5	3
37-143-12	Added	491	hb1082	1	2
37-143-19	Amended	315	hb0860	3	1
37-151-5	Amended	521	sb2792	2	3
37-151-7	Amended	521	sb2792	3	3
37-151-103	Amended	543	sb2761	5	3
37-153-1	Reenacted	515	sb2604	1	2
37-153-1	Note	515	sb2604	58	2
37-153-3	Reenacted	515	sb2604	2	2
37-153-5	Reenacted	515	sb2604	3	2
37-153-7	Reenacted	515	sb2604	4	2
37-153-9	Reenacted	515	sb2604	5	2
37-153-11	Reenacted	515	sb2604	6	2
37-153-11	Amended	568	sb2655	1	3
37-153-13	Reenacted	515	sb2604	7	2
37-159-3	Amended	315	hb0860	1	1
37-159-17	Amended	315	hb0860	2	1
39-5-6	Amended	487	hb0269	1	2
41-4-7	Amended	509	sb2710	1	2
41-7-191	Amended	524	sb2700	14	3
41-9-35	Amended	546	hb0211	15	3
41-21-77	Amended	509	sb2710	2	2
41-29-113	Amended	493	hb0730	1	2
41-29-144	Amended	430	hb1355	1	1
41-29-146	Amended	424	sb2186	1	1
41-29-176	Amended	495	hb1507	1	2
41-29-181	Amended	495	hb1507	2	2
41-29-185	Amended	495	hb1507	3	2
41-39-101	Reenacted	346	sb2685	1	1
41-39-103	Reenacted	346	sb2685	2	1
41-39-105	Reenacted	346	sb2685	3	1
41-39-107	Reenacted	346	sb2685	4	1
41-39-109	Reenacted	346	sb2685	5	1
41-39-111	Reenacted	346	sb2685	6	1
41-39-113	Reenacted	346	sb2685	7	1
41-39-115	Reenacted	346	sb2685	8	1
41-39-117	Reenacted	346	sb2685	9	1
41-39-119	Reenacted	346	sb2685	10	1
41-39-121	Reenacted	346	sb2685	11	1

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41-39-123	Reenacted	346	sb2685	12	1
41-39-125	Reenacted	346	sb2685	13	1
41-39-127	Reenacted	346	sb2685	14	1
41-39-129	Reenacted	346	sb2685	15	1
41-39-131	Reenacted	346	sb2685	16	1
41-39-133	Reenacted	346	sb2685	17	1
41-39-135	Reenacted	346	sb2685	18	1
41-39-137	Reenacted	346	sb2685	19	1
41-39-139	Reenacted	346	sb2685	20	1
41-39-141	Reenacted	346	sb2685	21	1
41-39-143	Reenacted	346	sb2685	22	1
41-39-145	Reenacted	346	sb2685	23	1
41-39-147	Reenacted	346	sb2685	24	1
41-39-149	Amended	346	sb2685	25	1
41-43-37	Amended	565	sb2580	1	3
41-57-23	Amended	387	sb2363	1	1
41-75-1	Amended	331	hb1390	1	1
41-86-1	Amended	334	hb0316	1	1
41-86-3	Repealed	334	hb0316	8	1
41-86-5	Amended	334	hb0316	2	1
41-86-7	Amended	334	hb0316	3	1
41-86-9	Amended	334	hb0316	4	1
41-86-11	Amended	334	hb0316	5	1
41-86-13	Amended	334	hb0316	6	1
41-86-15	Amended	334	hb0316	7	1
41-86-17	Repealed	334	hb0316	8	1
41-86-19	Repealed	334	hb0316	8	1
41-86-21	Repealed	334	hb0316	8	1
43-1-1	Amended	470	hb0833	1	2
43-1-2	Amended	470	hb0833	2	2
43-1-3	Amended	470	hb0833	3	2
43-1-5	Amended	470	hb0833	4	2
43-1-30	Reenacted	515	sb2604	49	2
43-1-55	Amended	470	hb0833	6	2
43-11-27	Amended	546	hb0211	16	3
43-13-107	Amended	530	hb0421	1	3
43-13-116.1	Added	434	hb1391	1	2
43-13-117	Amended	524	sb2700	13	3
43-13-117	Amended	530	hb0421	2	3
43-13-121	Amended	530	hb0421	3	3
43-13-145	Amended	530	hb0421	4	3
43-13-407	Amended	547	sb2899	2	3
43-15-121	Amended	546	hb0211	17	3
43-15-201	Amended	404	sb2479	1	1
43-16-21	Amended	546	hb0211	18	3
43-17-5	Amended	515	sb2604	50	2
43-19-34	Amended	552	hb1157	1	3
43-19-45	Reenacted	515	sb2604	51	2
43-19-101	Amended	552	hb1157	2	3
43-19-103	Amended	552	hb1157	3	3
43-20-21	Amended	546	hb0211	19	3
43-21-159	Amended	564	sb2598	1	3
43-21-301	Amended	564	sb2598	2	3

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43-21-321	Amended	564	sb2598	3	3
43-21-357	Amended	410	sb2256	1	1
43-21-357	Note	410	sb2256	4	1
43-21-803	Amended	427	hb0710	1	1
43-27-14	Amended	546	hb0211	20	3
43-27-20	Amended	470	hb0833	5	2
43-27-39	Amended	553	hb0621	2	3
43-27-107	Amended	470	hb0833	7	2
43-47-5	Amended	439	sb2367	1	2
43-47-19	Amended	439	sb2367	2	2
45-1-37	Amended	526	hb0921	9	3
45-1-37	Note	526	hb0921	10	3
45-3-9	Amended	561	sb2461	1	3
45-9-101	Amended	372	hb0695	1	1
45-11-1	Amended	381	hb0726	1	1
45-33-23	Amended	557	sb2376	3	3
45-33-26	Amended	410	sb2256	3	1
45-33-26	Note	410	sb2256	4	1
45-33-61	Added	410	sb2256	2	1
45-33-61	Note	410	sb2256	4	1
45-35-3	Amended	561	sb2461	3	3
47-5-10	Amended	305	sb2486	1	1
47-5-64	Amended	538	sb2786	1	3
47-5-66	Amended	538	sb2786	2	3
47-5-105	Amended	388	hb0525	1	1
47-5-110	Amended	391	hb0369	1	1
47-5-138	Amended	486	hb0371	1	2
47-5-193	Amended	320	sb2263	1	1
47-5-701	Reenacted	322	sb2187	1	1
47-5-703	Reenacted	322	sb2187	2	1
47-5-705	Reenacted	322	sb2187	3	1
47-5-707	Reenacted	322	sb2187	4	1
47-5-709	Reenacted	322	sb2187	5	1
47-5-711	Reenacted	322	sb2187	6	1
47-5-713	Reenacted	322	sb2187	7	1
47-5-715	Reenacted	322	sb2187	8	1
47-5-717	Reenacted	322	sb2187	9	1
47-5-719	Reenacted	322	sb2187	10	1
47-5-721	Reenacted	322	sb2187	11	1
47-5-723	Reenacted	322	sb2187	12	1
47-5-725	Reenacted	322	sb2187	13	1
47-5-727	Reenacted	322	sb2187	14	1
47-5-729	Reenacted	322	sb2187	15	1
47-5-731	Reenacted	322	sb2187	16	1
47-5-901	Reenacted	317	sb2196	1	1
47-5-903	Reenacted	317	sb2196	2	1
47-5-905	Reenacted	317	sb2196	3	1
47-5-907	Reenacted	317	sb2196	4	1
47-5-909	Reenacted	317	sb2196	5	1
47-5-911	Reenacted	317	sb2196	6	1
47-5-940	Amended	393	hb0454	1	1
47-5-943	Amended	489	hb0523	1	2
47-5-947	Repealed	395	hb0522	1	2

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47-5-1001	Reenacted	316	sb2197	1	1
47-5-1003	Reenacted	316	sb2197	2	1
47-5-1005	Reenacted	316	sb2197	3	1
47-5-1007	Reenacted	316	sb2197	4	1
47-5-1009	Reenacted	316	sb2197	5	1
47-5-1011	Reenacted	316	sb2197	6	1
47-5-1013	Reenacted	316	sb2197	7	1
47-5-1014	Reenacted	316	sb2197	8	1
47-5-1015	Reenacted	316	sb2197	9	1
47-5-1211	Amended	399	hb0440	1	1
47-7-4	Amended	545	sb2731	1	3
47-7-5	Amended	320	sb2195	1	1
47-7-27	Amended	488	hb0372	1	2
47-7-49	Amended	385	hb0422	1	1
49-5-25	Amended	419	hb0848	1	1
49-5-27	Repealed	419	hb0848	2	1
49-5-98	Amended	546	hb0211	21	3
49-7-58.3	Amended	326	hb0756	1	1
49-7-58.3	Amended	422	sb2325	1	1
49-7-58.4	Amended	326	hb0756	2	1
49-11-3	Amended	326	hb0756	3	1
49-11-3	Amended	422	sb2325	2	1
49-11-27	Amended	422	sb2325	3	1
49-15-64.1	Amended	327	sb2295	1	1
49-15-64.3	Amended	327	sb2295	2	1
49-15-315	Amended	328	hb0368	1	1
49-17-30	Amended	321	sb2812	1	1
49-19-115	Amended	417	hb0747	1	2
51-9-1	Amended	549	sb2703	1	3
51-9-107	Amended	549	sb2703	2	3
51-9-171	Amended	477	sb2814	2	2
51-9-175	Amended	477	sb2814	3	2
51-9-176	Amended	477	sb2814	1	2
51-9-177	Amended	477	sb2814	4	2
51-9-179	Amended	477	sb2814	5	2
51-9-181	Amended	477	sb2814	6	2
51-9-183	Amended	477	sb2814	7	2
53-1-47	Amended	546	hb0211	22	3
57-10-533	Amended	546	hb0211	23	3
57-61-35	Amended	546	hb0211	24	3
57-62-5	Reenacted	515	sb2604	52	2
57-62-9	Reenacted	515	sb2604	53	2
57-71-33	Amended	546	hb0211	25	3
57-73-25	Amended	400	sb2609	1	1
57-75-5	Reenacted	515	sb2604	54	2
57-75-11	Amended	438	hb1266	1	2
57-77-39	Amended	546	hb0211	26	3
57-80-7	Reenacted	515	sb2604	55	2
57-105-1	Amended	446	hb1257	1	2
57-115-3	Amended	570	sb2659	1	3
57-115-5	Amended	570	sb2659	2	3
57-115-7	Amended	570	sb2659	3	3
57-115-9	Amended	570	sb2659	4	3

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59-5-1	Amended	485	hb1091	4	2
59-5-37	Amended	485	hb1091	5	2
59-5-65	Amended	546	hb0211	27	3
59-17-57	Amended	546	hb0211	28	3
61-3-13	Amended	450	sb2885	1	2
61-3-15	Amended	450	sb2885	2	2
61-3-19	Amended	450	sb2885	3	2
61-3-24	Added	343	sb2336	1	1
61-3-79	Amended	450	sb2885	4	2
61-5-19	Amended	450	sb2885	5	2
63-1-35	Amended	561	sb2461	2	3
63-1-43	Amended	433	sb2109	1	2
63-1-43	Amended	483	hb1235	1	2
63-3-103	Amended	452	sb2283	1	2
63-3-121	Amended	544	hb1203	3	3
63-3-809	Amended	412	hb0984	1	2
63-7-59	Amended	500	sb2321	1	2
63-7-59	Amended	528	sb2493	1	3
63-7-64	Amended	544	hb1203	1	3
63-9-21	Amended	464	sb2802	1	2
63-9-21	Amended	550	hb0929	1	3
63-11-5	Amended	550	hb0929	2	3
63-11-30	Amended	510	hb0681	1	2
63-15-4	Amended	504	sb2631	8	2
63-17-171	Amended	566	sb2368	9	3
63-31-3	Amended	544	hb1203	2	3
65-1-701	Amended	312	sb2829	1	1
65-3-3	Amended	539	hb0086	2	3
65-3-137	Amended	539	hb0086	1	3
65-7-91	Amended	435	sb2349	1	2
65-26-37	Amended	546	hb0211	29	3
65-43-1	Amended	537	hb0815	1	3
65-43-3	Amended	537	hb0815	2	3
67-1-5	Amended	323	sb2878	2	1
67-1-5	Amended	428	sb2607	1	1
67-1-5	Amended	501	sb2370	7	2
67-1-14	Amended	462	sb2497	1	2
67-1-51	Amended	566	sb2368	2	3
67-1-51	Note	566	sb2368	10	3
67-3-1	Amended	323	sb2878	3	1
67-3-1	Amended	501	sb2370	1	2
67-3-3	Amended	323	sb2878	1	1
67-3-5	Amended	323	sb2878	4	1
67-3-5	Amended	501	sb2370	2	2
67-3-7	Amended	323	sb2878	5	1
67-3-7	Amended	501	sb2370	3	2
67-3-9	Amended	323	sb2878	6	1
67-3-13	Amended	323	sb2878	7	1
67-3-13	Amended	501	sb2370	4	2
67-3-17	Amended	323	sb2878	8	1
67-3-17	Amended	501	sb2370	5	2
67-3-17	Amended	566	sb2368	3	3
67-3-17	Note	566	sb2368	10	3

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67-3-28	Amended	323	sb2878	9	1
67-3-47	Note	569	sb2600	5	3
67-3-49	Amended	323	sb2878	10	1
67-3-49	Amended	501	sb2370	6	2
67-3-51	Amended	569	sb2600	2	3
67-3-53	Amended	323	sb2878	11	1
67-3-53	Amended	369	hb1250	1	1
67-3-55	Amended	569	sb2600	3	3
69-2-5	Reenacted	515	sb2604	56	2
69-2-13	Amended	415	hb0633	1	1
69-2-33	Amended	546	hb0211	30	3
69-5-3	Amended	360	sb2912	1	1
69-5-114	Amended	423	hb0411	1	1
69-25-10	Added	502	hb0634	4	2
69-25-47	Amended	502	hb0634	1	2
69-25-51	Amended	502	hb0634	2	2
69-25-109	Amended	502	hb0634	3	2
69-27-359	Amended	546	hb0211	31	3
69-37-17	Amended	453	sb2316	1	2
71-3-1	Amended	522	sb2576	1	3
71-3-7	Amended	522	sb2576	2	3
71-3-15	Amended	522	sb2576	3	3
71-3-17	Amended	522	sb2576	4	3
71-3-19	Amended	522	sb2576	5	3
71-3-25	Amended	522	sb2576	6	3
71-3-63	Amended	522	sb2576	7	3
71-3-121	Amended	522	sb2576	8	3
71-5-5	Reenacted	515	sb2604	8	2
71-5-11	Amended	414	hb0451	1	1
71-5-11	Reenacted	515	sb2604	9	2
71-5-19	Reenacted	515	sb2604	10	2
71-5-101	Reenacted	515	sb2604	11	2
71-5-107	Reenacted	515	sb2604	12	2
71-5-109	Reenacted	515	sb2604	13	2
71-5-111	Reenacted	515	sb2604	14	2
71-5-112	Reenacted	515	sb2604	15	2
71-5-113	Reenacted	515	sb2604	16	2
71-5-114	Reenacted	515	sb2604	17	2
71-5-115	Reenacted	515	sb2604	18	2
71-5-117	Reenacted	515	sb2604	19	2
71-5-119	Reenacted	515	sb2604	20	2
71-5-121	Reenacted	515	sb2604	21	2
71-5-123	Reenacted	515	sb2604	22	2
71-5-125	Reenacted	515	sb2604	23	2
71-5-127	Reenacted	515	sb2604	24	2
71-5-129	Reenacted	515	sb2604	25	2
71-5-131	Reenacted	515	sb2604	26	2
71-5-133	Reenacted	515	sb2604	27	2
71-5-135	Reenacted	515	sb2604	28	2
71-5-137	Reenacted	515	sb2604	29	2
71-5-139	Reenacted	515	sb2604	30	2
71-5-141	Reenacted	515	sb2604	31	2
71-5-143	Reenacted	515	sb2604	32	2

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
71-5-201	Reenacted	515	sb2604	33	2
71-5-355	Amended	515	sb2604	60	2
71-5-357	Reenacted	515	sb2604	34	2
71-5-359	Reenacted	515	sb2604	35	2
71-5-451	Reenacted	515	sb2604	36	2
71-5-457	Reenacted	515	sb2604	37	2
71-5-503	Amended	515	sb2604	38	2
71-5-511	Reenacted	515	sb2604	39	2
71-5-513	Reenacted	515	sb2604	40	2
71-5-517	Reenacted	515	sb2604	41	2
71-5-519	Reenacted	515	sb2604	42	2
71-5-523	Reenacted	515	sb2604	43	2
71-5-525	Reenacted	515	sb2604	44	2
71-5-529	Reenacted	515	sb2604	45	2
71-5-531	Reenacted	515	sb2604	46	2
71-5-541	Reenacted	515	sb2604	47	2
71-5-545	Added	515	sb2604	59	2
71-7-5	Amended	522	sb2576	9	3
73-6-19	Amended	409	sb2670	14	1
73-9-61	Amended	409	sb2670	7	1
73-11-33	Amended	466	sb2339	1	2
73-11-41	Amended	466	sb2339	2	2
73-11-43	Amended	466	sb2339	3	2
73-11-45	Reenacted	466	sb2339	4	2
73-11-47	Reenacted	466	sb2339	5	2
73-11-49	Amended	466	sb2339	6	2
73-11-49	Amended	546	hb0211	32	3
73-11-51	Amended	466	sb2339	7	2
73-11-53	Amended	466	sb2339	8	2
73-11-55	Amended	466	sb2339	9	2
73-11-56	Amended	466	sb2339	10	2
73-11-57	Reenacted	466	sb2339	11	2
73-11-57.1	Reenacted	466	sb2339	12	2
73-11-58	Amended	466	sb2339	13	2
73-11-59	Reenacted	466	sb2339	14	2
73-11-61	Reenacted	466	sb2339	15	2
73-11-63	Reenacted	466	sb2339	16	2
73-11-65	Reenacted	466	sb2339	17	2
73-11-67	Reenacted	466	sb2339	18	2
73-11-69	Amended	466	sb2339	19	2
73-11-71	Amended	466	sb2339	20	2
73-13-39	Amended	546	hb0211	33	3
73-13-41	Amended	425	sb2474	1	1
73-13-95	Amended	546	hb0211	34	3
73-15-29	Amended	409	sb2670	12	1
73-15-33	Amended	546	hb0211	35	3
73-17-11	Amended	366	sb2715	1	1
73-19-23	Amended	409	sb2670	13	1
73-21-97	Amended	409	sb2670	8	1
73-21-179	Amended	479	hb1490	1	2
73-21-183	Amended	479	hb1490	2	2
73-21-191	Added	479	hb1490	3	2
73-22-1	Amended	340	hb1151	2	1

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
73-22-3	Amended	340	hb1151	1	1
73-23-33	Amended	370	hb0417	1	1
73-23-35	Amended	370	hb0417	2	1
73-23-59	Amended	370	hb0417	3	1
73-25-29	Amended	409	sb2670	9	1
73-26-5	Amended	409	sb2670	10	1
73-27-13	Amended	409	sb2670	11	1
73-29-39	Amended	546	hb0211	36	3
73-29-43	Amended	546	hb0211	37	3
73-30-25	Reenacted	515	sb2604	48	2
73-31-13	Amended	363	hb0412	1	1
73-31-25	Amended	546	hb0211	38	3
73-34-45	Amended	531	sb2903	1	3
73-34-103	Amended	531	sb2903	2	3
73-36-35	Amended	546	hb0211	39	3
73-39-77	Amended	409	sb2670	15	1
73-57-1	Reenacted	386	sb2527	1	1
73-57-3	Reenacted	386	sb2527	2	1
73-57-5	Amended	386	sb2527	3	1
73-57-7	Amended	386	sb2527	4	1
73-57-9	Reenacted	386	sb2527	5	1
73-57-11	Amended	386	sb2527	6	1
73-57-13	Reenacted	386	sb2527	7	1
73-57-15	Reenacted	386	sb2527	8	1
73-57-17	Amended	386	sb2527	9	1
73-57-21	Amended	386	sb2527	10	1
73-57-25	Amended	386	sb2527	11	1
73-57-27	Amended	386	sb2527	12	1
73-57-29	Reenacted	386	sb2527	13	1
73-57-31	Reenacted	386	sb2527	14	1
73-57-33	Amended	386	sb2527	15	1
73-57-35	Amended	386	sb2527	16	1
73-57-37	Reenacted	386	sb2527	17	1
73-57-39	Reenacted	386	sb2527	18	1
73-59-1	Amended	416	sb2533	1	1
73-59-3	Amended	416	sb2533	2	1
73-59-15	Amended	416	sb2533	3	1
73-63-25	Amended	546	hb0211	40	3
73-65-1	Amended	406	sb2526	1	1
73-65-3	Amended	406	sb2526	2	1
73-65-5	Amended	406	sb2526	3	1
73-65-7	Amended	406	sb2526	4	1
75-57-49	Amended	319	sb2399	1	1
75-57-105	Amended	319	sb2399	2	1
75-63-53	Amended	308	sb2579	1	1
75-63-59	Amended	308	sb2579	2	1
75-63-63	Amended	308	sb2579	3	1
75-63-68	Amended	308	sb2579	4	1
75-76-25	Amended	546	hb0211	41	3
77-1-1	Reenacted	542	sb2429	1	3
77-1-3	Reenacted	542	sb2429	2	3
77-1-5	Reenacted	542	sb2429	3	3
77-1-6	Reenacted	542	sb2429	4	3

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
77-1-11	Reenacted	542	sb2429	5	3
77-1-15	Reenacted	542	sb2429	6	3
77-1-17	Reenacted	542	sb2429	7	3
77-1-19	Reenacted	542	sb2429	8	3
77-1-21	Reenacted	542	sb2429	9	3
77-1-25	Reenacted	542	sb2429	10	3
77-1-27	Reenacted	542	sb2429	11	3
77-1-29	Reenacted	542	sb2429	12	3
77-1-31	Reenacted	542	sb2429	13	3
77-1-33	Reenacted	542	sb2429	14	3
77-1-35	Reenacted	542	sb2429	15	3
77-1-37	Reenacted	542	sb2429	16	3
77-1-39	Reenacted	542	sb2429	17	3
77-1-41	Reenacted	542	sb2429	18	3
77-1-43	Reenacted	542	sb2429	19	3
77-1-47	Reenacted	542	sb2429	20	3
77-1-49	Reenacted	542	sb2429	21	3
77-1-51	Amended	542	sb2429	22	3
77-3-3	Amended	447	hb0825	1	2
77-3-35	Amended	447	hb0825	2	2
79-4-1.20	Amended	382	hb1162	20	1
79-4-1.22	Amended	382	hb1162	21	1
79-4-1.22	Amended	481	hb0789	1	2
79-4-1.25	Amended	382	hb1162	22	1
79-4-1.25	Amended	481	hb0789	2	2
79-4-1.26	Amended	382	hb1162	23	1
79-4-1.29	Amended	481	hb0789	3	2
79-4-1.40	Amended	481	hb0789	4	2
79-4-1.41	Amended	382	hb1162	24	1
79-4-1.41	Amended	481	hb0789	5	2
79-4-2.02	Amended	382	hb1162	25	1
79-4-4.01	Amended	481	hb0789	6	2
79-4-4.02	Amended	481	hb0789	7	2
79-4-5.01	Repealed	382	hb1162	123	1
79-4-5.02	Repealed	382	hb1162	124	1
79-4-5.03	Repealed	382	hb1162	125	1
79-4-5.04	Repealed	382	hb1162	126	1
79-4-6.20	Amended	481	hb0789	8	2
79-4-7.03	Amended	382	hb1162	26	1
79-4-7.04	Amended	382	hb1162	27	1
79-4-7.04	Amended	481	hb0789	9	2
79-4-7.05	Amended	481	hb0789	10	2
79-4-7.09	Added	481	hb0789	11	2
79-4-7.20	Amended	382	hb1162	28	1
79-4-7.22	Amended	481	hb0789	12	2
79-4-7.42	Amended	481	hb0789	13	2
79-4-7.48	Amended	382	hb1162	29	1
79-4-8.01	Amended	481	hb0789	14	2
79-4-8.05	Amended	481	hb0789	15	2
79-4-8.06	Amended	481	hb0789	16	2
79-4-8.07	Amended	481	hb0789	17	2
79-4-8.09	Amended	382	hb1162	30	1
79-4-8.10	Amended	481	hb0789	18	2

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
79-4-8.24	Amended	481	hb0789	19	2
79-4-8.26	Added	481	hb0789	20	2
79-4-8.31	Amended	481	hb0789	21	2
79-4-8.50	Amended	481	hb0789	22	2
79-4-8.53	Amended	481	hb0789	23	2
79-4-8.58	Amended	481	hb0789	24	2
79-4-8.60	Amended	481	hb0789	25	2
79-4-10.05	Amended	382	hb1162	31	1
79-4-11.01	Amended	481	hb0789	26	2
79-4-11.02	Amended	481	hb0789	27	2
79-4-11.03	Amended	481	hb0789	28	2
79-4-11.04	Amended	481	hb0789	29	2
79-4-11.06	Amended	481	hb0789	30	2
79-4-11.07	Amended	382	hb1162	32	1
79-4-11.07	Amended	481	hb0789	31	2
79-4-11.08	Amended	481	hb0789	32	2
79-4-13.20	Amended	481	hb0789	33	2
79-4-13.21	Amended	481	hb0789	34	2
79-4-13.22	Amended	481	hb0789	35	2
79-4-13.30	Amended	382	hb1162	33	1
79-4-14.07	Amended	382	hb1162	34	1
79-4-14.08	Amended	382	hb1162	35	1
79-4-14.20	Amended	382	hb1162	36	1
79-4-14.21	Amended	382	hb1162	37	1
79-4-14.21	Amended	481	hb0789	36	2
79-4-14.22	Amended	382	hb1162	38	1
79-4-14.22	Amended	481	hb0789	37	2
79-4-14.23	Amended	382	hb1162	39	1
79-4-14.31	Amended	382	hb1162	40	1
79-4-15.01	Amended	481	hb0789	38	2
79-4-15.02	Amended	481	hb0789	39	2
79-4-15.03	Amended	382	hb1162	41	1
79-4-15.04	Amended	382	hb1162	42	1
79-4-15.06	Amended	481	hb0789	40	2
79-4-15.07	Repealed	382	hb1162	127	1
79-4-15.08	Repealed	382	hb1162	128	1
79-4-15.09	Repealed	382	hb1162	129	1
79-4-15.10	Amended	382	hb1162	43	1
79-4-15.20	Amended	382	hb1162	44	1
79-4-15.30	Amended	382	hb1162	45	1
79-4-15.31	Amended	382	hb1162	46	1
79-4-15.31	Amended	481	hb0789	41	2
79-4-15.32	Amended	382	hb1162	47	1
79-4-15.32	Amended	481	hb0789	42	2
79-4-15.33	Amended	382	hb1162	48	1
79-4-16.01	Amended	481	hb0789	43	2
79-4-16.02	Amended	481	hb0789	44	2
79-4-16.04	Amended	382	hb1162	49	1
79-4-16.05	Amended	382	hb1162	50	1
79-4-16.06	Amended	481	hb0789	45	2
79-4-16.20	Amended	481	hb0789	46	2
79-4-16.21	Repealed	481	hb0789	48	2
79-4-16.22	Amended	382	hb1162	51	1

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
79-4-17.05	Added	481	hb0789	47	2
79-11-109	Amended	382	hb1162	52	1
79-11-115	Amended	382	hb1162	53	1
79-11-117	Amended	382	hb1162	54	1
79-11-131	Reenacted	382	hb1162	55	1
79-11-137	Amended	382	hb1162	56	1
79-11-163	Repealed	382	hb1162	130	1
79-11-165	Repealed	382	hb1162	131	1
79-11-167	Repealed	382	hb1162	132	1
79-11-169	Repealed	382	hb1162	133	1
79-11-201	Amended	382	hb1162	57	1
79-11-213	Amended	382	hb1162	58	1
79-11-289	Amended	382	hb1162	59	1
79-11-299	Amended	382	hb1162	60	1
79-11-327	Amended	382	hb1162	61	1
79-11-345	Amended	382	hb1162	62	1
79-11-347	Amended	382	hb1162	63	1
79-11-349	Amended	382	hb1162	64	1
79-11-351	Amended	382	hb1162	65	1
79-11-353	Amended	382	hb1162	66	1
79-11-355	Amended	382	hb1162	67	1
79-11-357	Amended	382	hb1162	68	1
79-11-367	Amended	382	hb1162	69	1
79-11-369	Amended	382	hb1162	70	1
79-11-375	Repealed	382	hb1162	134	1
79-11-377	Repealed	382	hb1162	135	1
79-11-379	Repealed	382	hb1162	136	1
79-11-381	Amended	382	hb1162	71	1
79-11-383	Amended	382	hb1162	72	1
79-11-385	Amended	382	hb1162	73	1
79-11-389	Amended	382	hb1162	74	1
79-11-391	Amended	382	hb1162	75	1
79-11-601	Repealed	356	hb1104	11	1
79-11-603	Repealed	356	hb1104	11	1
79-11-605	Repealed	356	hb1104	11	1
79-11-607	Repealed	356	hb1104	11	1
79-11-609	Repealed	356	hb1104	11	1
79-11-611	Repealed	356	hb1104	11	1
79-11-613	Repealed	356	hb1104	11	1
79-11-615	Repealed	356	hb1104	11	1
79-11-617	Repealed	356	hb1104	11	1
79-13-1001	Amended	382	hb1162	76	1
79-13-1003	Added	382	hb1162	77	1
79-13-1004	Added	382	hb1162	78	1
79-13-1005	Added	382	hb1162	79	1
79-13-1006	Added	382	hb1162	80	1
79-13-1102	Amended	382	hb1162	81	1
79-13-1106	Added	382	hb1162	82	1
79-13-1107	Added	382	hb1162	83	1
79-13-1108	Added	382	hb1162	84	1
79-13-1109	Added	382	hb1162	85	1
79-14-104	Amended	382	hb1162	86	1
79-14-201	Amended	382	hb1162	87	1

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
79-14-202	Amended	382	hb1162	88	1
79-14-207	Amended	382	hb1162	89	1
79-14-809	Added	382	hb1162	90	1
79-14-810	Added	382	hb1162	91	1
79-14-811	Added	382	hb1162	92	1
79-14-812	Added	382	hb1162	93	1
79-14-902	Amended	382	hb1162	94	1
79-14-910	Added	382	hb1162	95	1
79-14-911	Added	382	hb1162	96	1
79-14-912	Added	382	hb1162	97	1
79-14-913	Added	382	hb1162	98	1
79-14-1104	Amended	382	hb1162	99	1
79-15-109	Amended	382	hb1162	100	1
79-15-115	Repealed	382	hb1162	137	1
79-15-117	Repealed	382	hb1162	138	1
79-15-119	Repealed	382	hb1162	139	1
79-15-129	Amended	382	hb1162	101	1
79-15-131	Amended	382	hb1162	102	1
79-15-135	Amended	382	hb1162	103	1
79-16-11	Amended	382	hb1162	104	1
79-16-17	Repealed	382	hb1162	140	1
79-16-19	Repealed	382	hb1162	141	1
79-16-21	Repealed	382	hb1162	142	1
79-16-27	Amended	382	hb1162	105	1
79-16-29	Amended	382	hb1162	106	1
79-16-33	Amended	382	hb1162	107	1
79-29-113	Repealed	382	hb1162	143	1
79-29-125	Repealed	382	hb1162	144	1
79-29-201	Amended	382	hb1162	108	1
79-29-209	Amended	382	hb1162	109	1
79-29-211	Amended	382	hb1162	110	1
79-29-231	Amended	382	hb1162	111	1
79-29-803	Amended	382	hb1162	112	1
79-29-819	Amended	382	hb1162	113	1
79-29-823	Amended	382	hb1162	114	1
79-29-825	Amended	382	hb1162	115	1
79-29-827	Amended	382	hb1162	116	1
79-29-913	Amended	382	hb1162	117	1
79-29-923	Amended	382	hb1162	118	1
79-29-1003	Amended	382	hb1162	119	1
79-29-1023	Amended	382	hb1162	120	1
79-29-1025	Amended	382	hb1162	121	1
79-29-1203	Amended	368	hb0416	1	1
79-29-1203	Amended	382	hb1162	122	1
79-35-1	Added	382	hb1162	1	1
79-35-2	Added	382	hb1162	2	1
79-35-3	Added	382	hb1162	3	1
79-35-4	Added	382	hb1162	4	1
79-35-5	Added	382	hb1162	5	1
79-35-6	Added	382	hb1162	6	1
79-35-7	Added	382	hb1162	7	1
79-35-8	Added	382	hb1162	8	1
79-35-9	Added	382	hb1162	9	1

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
79-35-10	Added	382	hb1162	10	1
79-35-11	Added	382	hb1162	11	1
79-35-12	Added	382	hb1162	12	1
79-35-13	Added	382	hb1162	13	1
79-35-14	Added	382	hb1162	14	1
79-35-15	Added	382	hb1162	15	1
79-35-16	Added	382	hb1162	16	1
79-35-17	Added	382	hb1162	17	1
79-35-18	Added	382	hb1162	18	1
79-35-19	Added	382	hb1162	19	1
81-5-55	Amended	434	hb1391	2	2
81-18-1	Reenacted	571	sb2897	1	3
81-18-3	Reenacted	571	sb2897	2	3
81-18-5	Reenacted	571	sb2897	3	3
81-18-7	Reenacted	571	sb2897	4	3
81-18-8	Reenacted	571	sb2897	5	3
81-18-9	Reenacted	571	sb2897	5	3
81-18-11	Reenacted	571	sb2897	6	3
81-18-13	Reenacted	571	sb2897	7	3
81-18-14	Reenacted	571	sb2897	8	3
81-18-15	Reenacted	571	sb2897	9	3
81-18-17	Reenacted	571	sb2897	10	3
81-18-19	Reenacted	571	sb2897	11	3
81-18-21	Reenacted	571	sb2897	12	3
81-18-23	Reenacted	571	sb2897	13	3
81-18-25	Reenacted	571	sb2897	14	3
81-18-27	Reenacted	571	sb2897	15	3
81-18-28	Reenacted	571	sb2897	16	3
81-18-29	Reenacted	571	sb2897	17	3
81-18-31	Reenacted	571	sb2897	18	3
81-18-33	Reenacted	571	sb2897	19	3
81-18-35	Reenacted	571	sb2897	20	3
81-18-36	Reenacted	571	sb2897	21	3
81-18-37	Reenacted	571	sb2897	22	3
81-18-39	Reenacted	571	sb2897	23	3
81-18-40	Reenacted	571	sb2897	24	3
81-18-41	Reenacted	571	sb2897	25	3
81-18-43	Reenacted	571	sb2897	26	3
81-18-45	Reenacted	571	sb2897	26	3
81-18-49	Reenacted	571	sb2897	26	3
81-18-51	Amended	571	sb2897	27	3
81-18-53	Reenacted	571	sb2897	28	3
81-18-61	Reenacted	571	sb2897	29	3
81-18-63	Reenacted	571	sb2897	30	3
83-1-5	Amended	546	hb0211	42	3
83-1-191	Amended	307	sb2578	1	1
83-5-205	Amended	364	hb0434	1	1
83-5-501	Reenacted	306	sb2577	1	1
83-5-503	Reenacted	306	sb2577	2	1
83-5-505	Reenacted	306	sb2577	3	1
83-5-507	Repealed	306	sb2577	4	1
83-9-211	Amended	302	sb2586	1	1
83-11-551	Amended	392	hb1416	1	1

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
83-17-401	Amended	313	sb2618	1	1
83-17-407	Amended	313	sb2618	2	1
83-21-23	Amended	309	sb2628	1	1
83-21-25	Amended	350	hb1348	1	1
83-29-45	Amended	364	hb0434	2	1
83-34-4	Amended	375	sb2626	1	1
83-39-3	Amended	394	hb0631	1	2
83-39-7	Amended	394	hb0631	2	2
83-39-8	Amended	394	hb0631	3	2
83-39-27	Amended	394	hb0631	4	2
83-41-219	Amended	532	hb1297	1	3
83-41-337	Amended	364	hb0434	3	1
83-49-27	Amended	364	hb0434	4	1
83-51-31	Amended	318	sb2324	1	1
83-58-3	Amended	405	sb2223	1	1
83-58-5	Amended	405	sb2223	2	1
85-7-185	Amended	357	hb1301	1	1
91-17-1	Repealed	351	hb0732	2	1
91-17-3	Repealed	351	hb0732	2	1
91-17-5	Repealed	351	hb0732	2	1
91-17-7	Repealed	351	hb0732	2	1
91-17-9	Repealed	351	hb0732	2	1
91-17-11	Repealed	351	hb0732	2	1
91-17-13	Repealed	351	hb0732	2	1
91-17-15	Repealed	351	hb0732	2	1
91-17-17	Repealed	351	hb0732	2	1
91-17-19	Repealed	351	hb0732	2	1
91-17-21	Repealed	351	hb0732	2	1
91-17-23	Repealed	351	hb0732	2	1
91-17-25	Repealed	351	hb0732	2	1
91-17-27	Repealed	351	hb0732	2	1
91-17-29	Repealed	351	hb0732	2	1
91-17-31	Repealed	351	hb0732	2	1
91-17-101	Added	351	hb0732	1	1
91-17-102	Added	351	hb0732	1	1
91-17-103	Added	351	hb0732	1	1
91-17-104	Added	351	hb0732	1	1
91-17-105	Added	351	hb0732	1	1
91-17-201	Added	351	hb0732	1	1
91-17-202	Added	351	hb0732	1	1
91-17-301	Added	351	hb0732	1	1
91-17-302	Added	351	hb0732	1	1
91-17-303	Added	351	hb0732	1	1
91-17-401	Added	351	hb0732	1	1
91-17-402	Added	351	hb0732	1	1
91-17-403	Added	351	hb0732	1	1
91-17-404	Added	351	hb0732	1	1
91-17-405	Added	351	hb0732	1	1
91-17-406	Added	351	hb0732	1	1
91-17-407	Added	351	hb0732	1	1
91-17-408	Added	351	hb0732	1	1
91-17-409	Added	351	hb0732	1	1
91-17-410	Added	351	hb0732	1	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
91-17-411	Added	351	hb0732	1	1
91-17-412	Added	351	hb0732	1	1
91-17-413	Added	351	hb0732	1	1
91-17-414	Added	351	hb0732	1	1
91-17-415	Added	351	hb0732	1	1
91-17-501	Added	351	hb0732	1	1
91-17-502	Added	351	hb0732	1	1
91-17-503	Added	351	hb0732	1	1
91-17-504	Added	351	hb0732	1	1
91-17-505	Added	351	hb0732	1	1
91-17-506	Added	351	hb0732	1	1
91-17-601	Added	351	hb0732	1	1
91-17-602	Added	351	hb0732	1	1
91-17-603	Added	351	hb0732	1	1
91-17-604	Added	351	hb0732	1	1
91-21-3	Amended	335	hb0865	1	1
93-1-5	Amended	431	sb2851	1	1
93-1-7	Repealed	431	sb2851	2	1
93-13-135	Amended	529	sb2854	2	3
93-17-3	Amended	556	hb1268	1	3
93-17-205	Amended	556	hb1268	2	3
93-21-5	Amended	514	hb0780	1	2
93-21-7	Amended	514	hb0780	2	2
93-21-13	Amended	514	hb0780	3	2
93-21-15	Amended	514	hb0780	4	2
93-21-21	Amended	514	hb0780	5	2
93-21-25	Amended	514	hb0780	6	2
93-22-9	Amended	514	hb0780	7	2
97-1-5	Amended	496	hb1108	1	2
97-3-7	Amended	514	hb0780	8	2
97-5-51	Added	519	hb0016	1	3
97-15-13	Amended	341	hb1326	1	1
97-15-29	Amended	554	hb0878	7	3
97-17-71	Amended	536	hb1094	1	3
97-21-57	Amended	389	sb2549	1	1
97-29-31	Amended	510	hb0681	2	2
97-29-61	Amended	557	sb2376	1	3
97-29-63	Amended	557	sb2376	2	3
97-32-9	Amended	533	sb2798	1	3
97-33-109	Amended	546	hb0211	43	3
97-35-47	Amended	518	sb2494	1	3
97-37-11	Repealed	384	hb0455	1	1
97-41-18	Amended	421	sb2504	1	1
99-1-5	Amended	439	sb2367	3	2
99-1-5	Amended	455	sb2539	1	2
99-3-7	Amended	514	hb0780	9	2
99-5-11	Amended	514	hb0780	11	2
99-5-37	Amended	514	hb0780	10	2
99-15-26	Amended	514	hb0780	12	2
99-18-1	Amended	383	hb1349	2	3
99-19-73	Amended	329	hb0484	9	1
99-19-73	Note	329	hb0484	11	1
99-19-73	Amended	554	hb0878	1	3

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
99-41-5	Amended	503	hb0097	1	2
99-41-11	Amended	503	hb0097	2	2
99-41-17	Amended	503	hb0097	3	2
99-41-21	Amended	503	hb0097	4	2
99-41-23	Amended	503	hb0097	5	2
99-41-29	Amended	503	hb0097	6	2
99-41-31	Amended	503	hb0097	7	2
99-43-8	Added	518	sb2494	2	3
99-47-1	Amended	480	hb0159	1	2

CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

HOUSE BILLS

<u>Bill No.</u>	<u>Chap. No.</u>
16	519
35	361
86	539
90	408
97	503
98	333
99	330
159	480
166	535
211	546
263	396
264	401
269	487
316	334
317	472
353	494
361	355
368	328
369	391
371	486
372	488
391	358
411	423
412	363
416	368
417	370
421	530
422	385
423	469
434	364
440	399
447	490
448	442
450	365
451	414
454	393
455	384
484	329
515	478
522	395
523	489
525	388
535	467
540	475
544	371
545	366
575	362
582	507
585	353
621	553
631	394
633	415

CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

HOUSE BILLS

<u>Bill No.</u>	<u>Chap. No.</u>
634	502
681	510
695	372
696	492
703	380
707	511
710	427
726	381
730	493
732	351
747	417
750	484
756	326
768	347
773	303
780	514
784	344
789	481
815	537
825	447
833	470
848	419
860	315
865	335
866	337
878	554
885	445
894	449
894	447
894	449
895	336
909	345
921	526
927	567
929	550
944	397
948	348
960	474
966	338
968	373
984	412
987	402
993	476
994	473
995	471
997	349
998	420
1031	560
1032	562
1082	491
1086	311
1091	485

CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

HOUSE BILLS

<u>Bill No.</u>	<u>Chap. No.</u>
1094	536
1095	301
1104	356
1108	496
1117	339
1144	376
1151	340
1157	552
1162	382
1203	544
1235	483
1245	448
1250	369
1255	379
1257	446
1261	468
1266	438
1268	556
1281	508
1297	532
1301	357
1326	341
1348	350
1349	383
1355	430
1390	331
1391	434
1405	548
1407	426
1410	443
1416	392
1418	359
1450	498
1452	429
1460	444
1490	479
1507	495
1519	482
1537	520

CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

SENATE BILLS

<u>Bill No.</u>	<u>Chap. No.</u>
2010	436
2074	516
2109	433
2119	332
2176	440
2186	424
2187	322
2195	320
2196	317
2197	316
2223	405
2227	517
2256	410
2263	325
2283	452
2289	398
2295	327
2316	453
2321	500
2324	318
2325	422
2330	441
2336	343
2339	466
2342	342
2349	435
2355	457
2363	387
2367	439
2368	566
2370	501
2376	557
2398	454
2399	319
2424	451
2428	304
2429	542
2439	418
2447	314
2450	437
2452	463
2453	459
2454	461
2461	561
2474	425
2475	497
2479	404
2486	305
2493	528
2494	518
2495	512
2497	462

CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

SENATE BILLS

<u>Bill No.</u>	<u>Chap. No.</u>
2501	390
2504	421
2526	406
2527	386
2532	411
2533	416
2534	499
2535	460
2539	455
2549	389
2552	465
2557	403
2561	323
2567	413
2572	407
2576	522
2577	306
2578	307
2579	308
2580	565
2586	302
2598	564
2600	569
2604	515
2605	432
2607	428
2609	400
2613	377
2618	313
2622	505
2626	375
2628	309
2631	504
2634	540
2651	310
2655	568
2656	378
2659	570
2661	534
2670	409
2685	346
2700	524
2703	549
2710	509
2715	367
2731	545
2737	525
2752	555
2760	551
2761	543
2772	456
2776	563

CUMULATIVE TABLE OF HOUSE AND SENATE BILLS

SENATE BILLS

<u>Bill No.</u>	<u>Chap. No.</u>
2779	527
2786	538
2792	521
2798	533
2802	464
2812	321
2814	477
2825	541
2829	312
2845	513
2851	431
2854	529
2855	374
2878	323
2884	354
2885	450
2886	352
2892	458
2897	571
2898	558
2899	547
2902	506
2903	531
2912	360
2917	559
2934	523

**Mississippi Legislature
2012 Regular Session**

House Bill 16

Description: Child Protection Act of 2012; enact.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 519

History of Actions:

- 1 01/31 (H) Referred To Judiciary B
- 2 01/31 (H) Title Suff Do Pass
- 3 02/01 (H) Read the Third Time
- 4 02/02 (H) Amended
- 5 02/02 (H) Point of Order Raised
- 6 02/02 (H) Point of Order Withdrawn
- 7 02/02 (H) Passed As Amended
- 8 02/02 (H) Motion to Reconsider Entered (Brown (66th), Gipson, Buck
(72nd))
- 9 02/03 (H) Motion to Reconsider Tabled
- 10 02/06 (H) Transmitted To Senate
- 11 02/07 (S) Referred To Judiciary, Division A
- 12 03/29 (S) Title Suff Do Pass As Amended
- 13 04/04 (S) Amended
- 14 04/04 (S) Passed As Amended
- 15 04/05 (S) Returned For Concurrence
- 16 04/09 (H) Decline to Concur/Invite Conf
- 17 04/24 (H) Conferees Named Gipson, Monsour, Mims
- 18 04/30 (S) Conferees Named Hopson, Burton, Clarke
- 19 04/30 (S) Conference Report Filed
- 20 04/30 (H) Conference Report Filed
- 21 05/01 (S) Conference Report Adopted
- 22 05/01 (H) Conference Report Adopted
- 23 05/08 (H) Enrolled Bill Signed
- 24 05/09 (S) Enrolled Bill Signed
- 25 05/14 Approved by Governor

Amendments:

- [H] Amendment No 1 *Adopted*
- [H] Amendment No 2 *Lost*
- [H] Amendment No 3 *Lost*
- [H] Amendment No 4 *Lost*
- [H] Amendment No 5 *Lost*
- [H] Amendment No 6 *Lost*
- [H] Amendment No 7 *Lost*
- [H] Amendment No 8 *Lost*

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[H] Amendment No 9 *Lost*
[H] Amendment No 10 *Adopted*
[H] Amendment No 11 *Adopted*
[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 16

Conference Reports:

Conference Report

----- Additional Information -----

House Committee: Judiciary B

Senate Committee: Judiciary, Division A

Principal Author: Gunn

Additional Authors: Snowden, Arnold, Barton, Beckett, Bennett, Boyd, Brown (20th), Busby, Byrd, Carpenter, Chism, Crawford, Currie, DeBar, Denny, Eure, Evans (43rd), Frierson, Gipson, Guice, Hamilton, Haney, Hood, Ladner, Lott, Martinson, Massengill, Mayo, McLeod, Mettetal, Monsour, Moore, Morgan, Nelson, Rushing, Staples, Turner, Upshaw, Weathersby, White, Zuber, Formby, Aldridge, Mims, Baker, Shirley, Huddleston (15th), Howell, Bain, Bell, Steverson, Bounds

2012 GENERAL LAWS OF MISSISSIPPI, HB 16

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representatives Gunn, Snowden, Arnold, Barton, Beckett, Bennett, Boyd, Brown (20th), Busby, Byrd, Carpenter, Chism, Crawford, Currie, DeBar, Denny, Eure, Evans (43rd), Frierson, Gipson, Guice, Hamilton, Haney, Hood, Ladner, Lott, Martinson, Massengill, Mayo, McLeod, Mettetal, Monsour, Moore, Morgan, Nelson, Rushing, Staples, Turner, Upshaw, Weathersby, White, Zuber, Formby, Aldridge, Mims, Baker, Shirley, Huddleston (15th), Howell, Bain, Bell, Steverson, Bounds

To: Judiciary B

HOUSE BILL NO. 16
(As Sent to Governor)

AN ACT TO ENACT THE MISSISSIPPI CHILD PROTECTION ACT OF 2012; TO CREATE SECTION 97-5-51, MISSISSIPPI CODE OF 1972, TO REQUIRE MANDATORY REPORTING OF SEX CRIMES AGAINST MINORS, TO ENACT DEFINITIONS AND TO SPECIFY EXCEPTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section

97-5-51, Mississippi Code of 1972:

97-5-51. (1) **Definitions.** For the purposes of this section:

(a) "Sex crime against a minor" means any offense under at least one (1) of the following statutes when committed by an adult against a minor who is under the age of sixteen (16):

(i) Section 97-3-65 relating to rape;

(ii) Section 97-3-71 relating to rape and assault with intent to ravish;

(iii) Section 97-3-95 relating to sexual battery;

(iv) Section 97-5-23 relating to the touching of a child, mentally defective or incapacitated person or physically helpless person for lustful purposes;

(v) Section 97-5-41 relating to the carnal knowledge of a stepchild, adopted child or child of a cohabiting partner;

(vi) Section 97-5-33 relating to exploitation of children;

(vii) Section 97-3-54.1(1)(c) relating to procuring sexual servitude of a minor;

(viii) Section 43-47-18 relating to sexual abuse of a vulnerable person;

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(ix) Section 97-1-7 relating to the attempt to commit any of the offenses listed in this subsection.

(b) "Mandatory reporter" means any of the following individuals performing their occupational duties: health care practitioner, clergy member, teaching or child care provider, law enforcement officer, or commercial image processor.

(c) "Health care practitioner" means any individual who provides health care services, including a physician, surgeon, physical therapist, psychiatrist, psychologist, medical resident, medical intern, hospital staff member, licensed nurse and emergency medical technician or paramedic.

(d) "Clergy member" means any priest, rabbi or duly ordained deacon or minister.

(e) "Teaching or child care provider" means anyone who provides training or supervision of a minor under the age of sixteen (16), including a teacher, teacher's aide, principal or staff member of a public or private school, social worker, probation officer, foster home parent, group home or other child care institutional staff member, personnel of residential home facilities, a licensed or unlicensed day care provider.

(f) "Commercial image processor" means any person who, for compensation: (i) develops exposed photographic film into negatives, slides or prints; (ii) makes prints from negatives or slides; or (iii) processes or stores digital media or images from any digital process, including, but not limited to, website applications, photography, live streaming of video, posting, creation of power points or any other means of intellectual property communication or media including conversion or manipulation of still shots or video into a digital show stored on a photography site or a media storage site.

(g) "Caretaker" means any person legally obligated to provide or secure adequate care for a minor under the age of

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sixteen (16), including a parent, guardian, tutor, legal custodian or foster home parent.

(2) (a) **Mandatory reporter requirement.** A mandatory reporter shall make a report if it would be reasonable for the mandatory reporter to suspect that a sex crime against a minor has occurred.

(b) Failure to file a mandatory report shall be punished as provided in this section.

(c) Reports made under this section and the identity of the mandatory reporter are confidential except when the court determines the testimony of the person reporting to be material to a judicial proceeding or when the identity of the reporter is released to law enforcement agencies and the appropriate prosecutor. The identity of the reporting party shall not be disclosed to anyone other than law enforcement or prosecutors except under court order; violation of this requirement is a misdemeanor. Reports made under this section are for the purpose of criminal investigation and prosecution only and information from these reports is not a public record. Disclosure of any information by the prosecutor shall conform to the Mississippi Uniform Rules of Circuit and County Court Procedure.

(d) Any mandatory reporter who makes a required report under this section or participates in a judicial proceeding resulting from a mandatory report shall be presumed to be acting in good faith. Any person or institution reporting in good faith shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

(3) (a) **Mandatory reporting procedure.** A report required under subsection (2) must be made immediately to the law enforcement agency in whose jurisdiction the reporter believes the sex crime against the minor occurred. Except as otherwise provided in this subsection (3), a mandatory reporter may not

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delegate to any other person the responsibility to report, but shall make the report personally.

(i) The reporting requirement under this subsection (3) is satisfied if a mandatory reporter in good faith reports a suspected sex crime against a minor to the Department of Human Services under Section 43-21-353.

(ii) The reporting requirement under this subsection (3) is satisfied if a mandatory reporter reports a suspected sex crime against a minor by following a reporting procedure that is imposed:

1. By state agency rule as part of licensure of any person or entity holding a state license to provide services that include the treatment or education of abused or neglected children; or

2. By statute.

(b) **Contents of the report.** The report shall identify, to the extent known to the reporter, the following:

(i) The name and address of the minor victim;

(ii) The name and address of the minor's caretaker;

(iii) Any other pertinent information known to the reporter.

(4) **Maintenance of forensic samples.** Any physician who performs an abortion on a minor who is less than fourteen (14) years of age at the time of the abortion procedure shall preserve fetal tissue extracted during the abortion in accordance with rules and regulations adopted pursuant to this section if it would be reasonable to suspect that the pregnancy being terminated is the result of a sex crime against a minor.

(a) The State Medical Examiner shall adopt rules and regulations consistent with Section 99-49-1 that prescribe:

(i) The amount and type of fetal tissue to be preserved and submitted by a physician pursuant to this section;

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(ii) Procedures for the proper preservation of the tissue for the purpose of DNA testing and examination;

(iii) Procedures for documenting the chain of custody of such tissue for use as evidence;

(iv) Procedures for proper disposal of fetal tissue preserved pursuant to this section;

(v) A uniform reporting instrument mandated to be utilized by physicians when submitting fetal tissue under this section which shall include the name of the physician submitting the fetal tissue and the complete residence address and name of the parent or legal guardian of the minor upon whom the abortion was performed; and

(vi) Procedures for communication with law enforcement agencies regarding evidence and information obtained pursuant to this section.

(b) Failure of a physician to comply with any provision of this subsection (4) or any rule or regulation adopted under this subsection (4) may constitute unprofessional conduct for the purposes of Section 73-25-29, and also shall be punished as provided in this section.

(5) **Penalties.** (a) A person who is convicted of a first offense under this section shall be guilty of a misdemeanor and fined not more than Five Hundred Dollars (\$500.00).

(b) A person who is convicted of a second offense under this section shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or imprisoned for not more than thirty (30) days, or both.

(c) A person who is convicted of a third or subsequent 3 offense under this section shall be guilty of a misdemeanor and fined not more than Five Thousand Dollars (\$5,000.00), or imprisoned for not more than one (1) year, or both.

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(6) No physician shall be liable for any penalty under this section for good faith compliance with any rules and regulations adopted pursuant to this section.

SECTION 2. **Severability.** Any provision of this act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable herefrom and shall not affect the remainder hereof or the application of such provision to other persons not similarly situated or to other dissimilar circumstances.

SECTION 3. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

House Bill 86

Description: Mississippi Highway 25; remove requirement that certain segment in Monroe County be constructed as fully controlled.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 539

History of Actions:

- 1 02/06 (H) Referred To Transportation
- 2 02/22 (H) Title Suff Do Pass
- 3 02/23 (H) Passed
- 4 02/24 (H) Transmitted To Senate
- 5 02/24 (S) Referred To Highways and Transportation
- 6 04/02 (S) Title Suff Do Pass As Amended
- 7 04/11 (S) Amended
- 8 04/11 (S) Passed As Amended
- 9 04/12 (S) Returned For Concurrence
- 10 04/13 (H) Concurred in Amend From Senate
- 11 04/17 (H) Motion to Reconsider Entered (Johnson, Massengill)
- 12 04/17 (H) Reconsidered
- 13 04/17 (H) Decline to Concur/Invite Conf
- 14 04/24 (H) Conferees Named Johnson, Massengill, Bell
- 15 04/27 (S) Conferees Named Simmons (13th), Bryan, Browning
- 16 04/28 (S) Conference Report Filed
- 17 04/28 (H) Conference Report Filed
- 18 04/30 (H) Conference Report Adopted
- 19 05/01 (S) Conference Report Adopted
- 20 05/08 (H) Enrolled Bill Signed
- 21 05/09 (S) Enrolled Bill Signed
- 22 05/22 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 86

Conference Reports:

Conference Report

Code Section: A 065-0003-0137, A 065-0003-0003

----- Additional Information -----

2012 GENERAL LAWS OF MISSISSIPPI, HB 86

House Committee: Transportation

Senate Committee: Highways and Transportation

Principal Author: Bell

Additional Authors: Brown (20th), Gibbs, Zuber

2012 GENERAL LAWS OF MISSISSIPPI, HB 86

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representatives Bell, Brown (20th),
Gibbs, Zuber

To: Transportation

HOUSE BILL NO. 86
(As Sent to Governor)

AN ACT TO AMEND SECTION 65-3-137, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT A CERTAIN SEGMENT OF MISSISSIPPI HIGHWAY 25 IN MONROE COUNTY BE CONSTRUCTED AS A FULLY CONTROLLED ACCESS ROAD; TO REQUIRE A CERTAIN SEGMENT OF MISSISSIPPI HIGHWAY 25 TO BE MAINTAINED THROUGH SMITHVILLE, MISSISSIPPI; TO AMEND SECTION 65-3-3, MISSISSIPPI CODE OF 1972, TO REVISE THE END POINT OF MISSISSIPPI 6; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 65-3-137, Mississippi Code of 1972, is amended as follows:

65-3-137. SECTION 1. (1) The following highway is designated as a state highway and is placed under the jurisdiction of the Mississippi Transportation Commission for construction and maintenance when the City of Flowood provides necessary rights-of-way, including utility adjustments and relocations:

Central District - Rankin County:

Mississippi 468 - That two-lane portion of Mississippi 468 (Flowood Drive) beginning at Fourth Street in Flowood and extending northeasterly to Mississippi Highway 475, a distance of approximately two and two-tenths (2.2) miles.

(2) The segment described in subsection (1) of this section shall be a four-lane facility built to the design standards of the Mississippi Department of Transportation.

SECTION 2. (1) The Mississippi Department of Transportation shall number, maintain, take over and assume jurisdiction of the following described highway segment, subject to the conditions prescribed in subsection (2) of this section.

Central District - Rankin County:

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West Rankin Parkway (New Route) - Beginning at Mississippi 25 in the City of Flowood, thence south to U.S. 80 at Pearson Road in the City of Pearl, all in Rankin County.

(2) The Mississippi Department of Transportation may construct the highway segment described in subsection (1) of this section as a four-lane facility in accordance with current design standards; however, the City of Flowood, the City of Pearl, Rankin County and any private corporation jointly shall provide necessary engineering and rights-of-way, including utility adjustments and relocations.

SECTION 3. The following highway is designated as a state highway and is placed under the jurisdiction of the Mississippi Transportation Commission for construction and maintenance; and such highway, together with the highways designated in Section 65-3-3, and all other laws adding links to the designated state highway system, are declared to be the state highway system of Mississippi:

Southern District - Jones County:

Mississippi 590 - Beginning at Mississippi 11 and extending easterly to Mississippi 29, a distance of approximately 1.3 miles.

SECTION 4. (1) The following highway is designated as a state highway and is placed under the jurisdiction of the Mississippi Transportation Commission for construction and maintenance; and such highway, together with the highways designated in Section 65-3-3, and all other laws adding links to the designated state highway system, are declared to be the state highway system of Mississippi:

Central District - Newton County:

Decatur Street beginning on the north side of the intersection of Third Street and Decatur Street, and proceeding northward to the beginning of state

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maintenance south of U.S. Highway 80, all within the City of Newton.

(2) The Mississippi Transportation Commission shall maintain, construct, take over and assume jurisdiction of the highway designated in subsection (1) of this section in the same manner and upon the same terms and conditions as set out in Sections 65-1-75, 65-9-1 and 65-9-3. However, the City of Newton shall not be required to provide to the Mississippi Department of Transportation any right-of-way with a width any greater than the width of right-of-way that existed at the time that the highway segment described in subsection (1) of this section was returned to the jurisdiction of the City of Newton.

SECTION 5. The following highways are deleted from the state highway system, removed from the jurisdiction of the Mississippi Transportation Commission and returned to the jurisdiction of the governing authorities of the City of Newton:

Central District - Newton County:

(a) That section of old Mississippi 15 beginning south of Interstate 20 at the intersection of old Mississippi 15 and present Mississippi 15 and extending southwesterly for approximately .033 miles, all within the City of Newton; and

(b) That section of old Mississippi 15 located between U.S. Highway 80 and Decatur Street, all within the City of Newton.

SECTION 6. (1) The Mississippi Department of Transportation may construct to department design standards, may perform such reconstruction as may be required to existing highways and may acquire by gift, purchase or eminent domain proceedings such property as may be necessary to provide four (4) lanes for traffic on and along the following location:

Central District - Lauderdale County:

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Old U.S. Highway 45 beginning in the City of Meridian at or near the old Coca Cola Company and extending northerly approximately two (2) miles to just beyond the Town of Marion.

(2) Lauderdale County, the City of Meridian and the Town of Marion shall provide required right-of-way, remove all encroachments and bring up to Transportation Department standards existing roads and bridges along the route described in subsection (1) of this section.

(3) The mileage of highway specifically designated in subsection (1) of this section shall be under the jurisdiction of the Mississippi Transportation Commission for construction and maintenance and, together with the highways designated in Section 65-3-3, and all other laws adding links to the state designated highway system, are declared to be the state highway system of Mississippi.

SECTION 7. (1) (a) That portion of Mississippi Highway 25 from south of Becker, Mississippi, to the Monroe/Itawamba county line shall be known as the "Monroe County Parkway."

(b) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that portion of Mississippi Highway 25 described in this subsection.

(2) The portion of Mississippi Highway 25 described in subsection (1) of this section shall be constructed by the Mississippi Department of Transportation as a fully controlled access road; provided, however, beginning at a point four (4) miles south of the Monroe/Itawamba county line and extending north to the Monroe/Itawamba county line, the department is not required to construct a fully controlled access road. The Mississippi Department of Transportation is authorized to landscape the right-of-way of the portion of Mississippi Highway 25 described in subsection (1) of this section.

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(3) If Mississippi Highway 25 is relocated to the east of Smithville, the Mississippi Department of Transportation shall maintain Mississippi Highway 25 as it existed on January 1, 2011, from a point at least four (4) miles south of the Monroe/Itawamba county line to a point at least two (2) miles north of the Monroe/Itawamba county line through Smithville and may designate it with an appropriate route number.

(4) The department is authorized to improve the existing Mississippi Highway 25 through Smithville by providing landscaping, appropriate signs and markers, and other enhancements.

(5) It shall be unlawful to construct or erect any advertisement or advertising structure within one thousand (1,000) feet of the right-of-way of the portion of Mississippi Highway 25 described in subsection (1) of this section. This subsection shall not apply to areas located within a municipality or to signs, displays or devices located on a building which carry only advertisements strictly related to the lawful use of the building.

(6) Mississippi Highway 25 shall intersect with U.S. Highway 278 at least five hundred (500) feet west of the eastern city limits of the City of Amory as such city limits existed on January 1, 2000.

(7) The Mississippi Department of Transportation is authorized to construct a four-lane connector road at a point at or near the northern city limits of the City of Amory between old Mississippi Highway 25 and the portion of Mississippi Highway 25 described in subsection (1) of this section.

(8) The revisions made to this section in House Bill No. 86, 2012 Regular Session, are in response to the destruction and devastation on the Town of Smithville, Mississippi, and Monroe County, Mississippi, caused by the April 2011 tornadoes with the purpose of assisting the town in its recovery efforts.

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SECTION 2. Section 65-3-3, Mississippi Code of 1972, is amended as follows:

65-3-3. The following highways are designated as state highways and shall be under the jurisdiction of the Mississippi Transportation Commission for construction and maintenance, and such highways, along with all other laws adding links to the designated state highway system, are declared to be the state highway system of Mississippi:

Mississippi 1 -- Begins at Onward, Sharkey County, thence in a westerly direction to Filer, thence in a northerly direction to Mayersville, thence continues from Mississippi 14 approximately midway between Mayersville and Rolling Fork to or near Greenville, Rosedale, Sherard and ends at U.S. 49 east of Mississippi River Bridge at Helena, Coahoma County.

Mississippi 2 -- Begins at or near Hickory Flat, Benton County, and extends in a northeasterly direction to or near Blue 4 Mountain, thence continues from or near Ripley to or near Kossuth to U.S. 72 west of Corinth, thence from U.S. 45 north of Corinth, Alcorn County, northeasterly to the Mississippi-Tennessee state line.

Mississippi 3 -- Begins at a point on U.S. 61 at or near Redwood, Warren County, and extends in a northeasterly direction to or near Satartia and Yazoo City, thence follows U.S. 49W to or near Inverness, thence in a northeasterly direction to Moorhead, thence north to Sunflower, thence continues along U.S. 49W to Tutwiler, thence in a northeasterly direction to Lambert, Marks, Sledge, Crenshaw, Sarah and Savage to intersect U.S. 61 at or near Lake Cormorant, DeSoto County.

Mississippi 4 -- Begins at or near Fox Island and extends east to or near Tunica, Coahoma County, thence continues from U.S. 61 south of Tunica to or near Savage, Strayhorn, Senatobia, Holly Springs, and Ashland, thence continues from Mississippi 5 approximately six and one-half miles south of Ashland to or near

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Ripley, Booneville, Bentonite Mill, Livingstons Store, New Site, and Bay Springs to Mississippi 25 at or near Dennis.

Mississippi 5 -- Begins on Mississippi 178 near Hickory Flat, Benton County, and extends north to Elvis Chapel Church on U.S. 72, and thence west on U.S. 72 to Harris Chapel Church and thence northwest to Mississippi 7, Benton County.

Mississippi 6 -- Begins on Mississippi 161 in Clarksdale, thence easterly to Marks, Batesville, Oxford, Pontotoc, Tupelo, thence southerly to Nettleton and ends at its intersection with Mississippi 25 north of Amory.

Mississippi 7 -- Begins at or near Belzoni, Humphreys County, and extends in a northeasterly direction to or near Swiftown to U.S. 82 north of Itta Bena, thence continues from or near Greenwood to or near Holcomb, Grenada, Coffeeville, Water Valley, Oxford and Holly Springs to the Mississippi-Tennessee state line northeast of Michigan City, Benton County.

Mississippi 8 -- Begins on Mississippi 1 at or near Rosedale, Bolivar County, and extends in an easterly direction to or near Cleveland, Ruleville, Minter City, Philipp and Holcomb, thence continues from or near Grenada to or near Calhoun City, Houston and Aberdeen and ends on U.S. 278 at or near Greenwood Springs, Monroe County.

Mississippi 9 -- Begins at or near Ackerman, Choctaw County, and extends in a northerly direction to or near Eupora, Bellefontaine and Slate Springs to Mississippi 8 south of Calhoun City, thence continues from or near Calhoun City to or near Bruce, Sarepta, Pontotoc and Sherman, thence continuing from U.S. 78 northwest of Sherman to, at or near Blue Springs and ending at Mississippi 30 at or near Graham, Union County.

Mississippi 9W -- Begins on Mississippi 9 north of Bruce, Calhoun County, and extends northerly to or near Banner and Paris to Mississippi 7 at Airport Road south of Markette, Lafayette County.

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I-10 -- From the Mississippi-Louisiana state line east of Slidell, Louisiana, to the Mississippi-Alabama state line southwest of Mobile, Alabama.

U.S. 11 -- Begins on I-59 at or near Nicholson, south of Picayune, Pearl River County, and extends in a northeasterly direction to or near Picayune, Poplarville, Hattiesburg, Laurel, Enterprise and Meridian, and thence easterly to the Mississippi-Alabama state line, Lauderdale County.

Mississippi 12 -- Begins on Mississippi 1 at or near James, Washington County, thence continuing through LeRoy Percy State Park and extends in an easterly direction to or near Hollandale, Belzoni, Tchula, Lexington, Durant, Kosciusko and Ackerman to a point on U.S. 82 north of Mississippi State University, thence continues from or near Columbus and extends in a northeasterly direction to the Mississippi-Alabama state line, Lowndes County.

Mississippi 13 -- Begins at a point on U.S. 49 at or near Maxie, Forrest County, and extends in a northwesterly direction to or near Lumberton and Columbia, thence continues in a northerly direction to or near Prentiss, Mendenhall, Puckett, Daniel, Polkville, Morton and Lena and ends at a point on Mississippi 16 west of Carthage at or near Pine Tree, Leake County.

Mississippi 14 -- Begins at or near Mayersville, Issaquena County, and extends in an easterly direction to or near Rolling Fork, thence continues from U.S. 61 at or near Anguilla to U.S. 49W at or near Louise, thence continues from, at or near Ebenezer to or near Goodman, Newport and Zemuly to south of Kosciusko to or near Louisville and Macon ending at the Mississippi-Alabama state line east of Macon, Noxubee County.

Mississippi 15 -- Begins at the intersection of I-10 and I-110, Harrison County, and extends in a northerly direction to or near Beaumont, Laurel, Bay Springs, Newton, Philadelphia, Louisville, Ackerman, Mathiston, Houston, Pontotoc, New Albany,

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Ripley, Walnut and ends at the Mississippi-Tennessee state line, Tippah County.

Mississippi 16 -- Begins on Mississippi 1 at or near the Issaquena-Washington county line, thence in a southeasterly direction to Rolling Fork and extends in a southeasterly direction near Little Sunflower River, thence continues from or near Holly Bluff in a northeasterly direction to U.S. 49W at or near Craig, thence continues from or near Yazoo City to or near Benton to U.S. 51 at or near Canton, thence continues to or near Carthage, Philadelphia, Dekalb and Scooba to the Mississippi-Alabama state line east of Scooba, Kemper County.

Mississippi 17 -- Begins in Scott County on designated Mississippi 25, thence northerly to Mississippi 16 near Farmhaven, thence to or near Pickens, Lexington, Carrollton and ends approximately three and one-tenth miles northeast of North Carrollton, Carroll County.

Mississippi 18 -- Begins at or near Grand Gulf, Claiborne County, then to or near Port Gibson and extends in a northeasterly direction to or near Hermanville, Utica and Raymond to an intersection with U.S. 80 at or near Jackson, thence from Brandon continues in a southeasterly direction to or near Raleigh and Bay Springs, thence continues in a northeasterly direction to or near Rose Hill, thence southeast to or near Pachuta, thence east to or near Quitman and ends at the Mississippi-Alabama state line east of Quitman, Clarke County.

Mississippi 19 -- Begins on U.S. 51 at or near West, Holmes County, and extends in a southeasterly direction to or near Kosciusko, Zama, Arlington High School, Yates Crossing, Philadelphia and Meridian, and ends at the Mississippi-Alabama state line southeast of Meridian, Lauderdale County.

I-20 -- From the Mississippi-Louisiana state line at Vicksburg to a point on I-55 in Jackson and from another point on I-55 southeast of Jackson to a point on I-59 west of Meridian.

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Mississippi 21 -- Begins at a point on Mississippi 35 at or near Forest, Scott County, and runs in a northeasterly direction to or near Sebastopol, Dixon, Neshoba County Fairgrounds, Philadelphia, Bond High School, Preston, Gholson, thence in a northeasterly direction to intersect Mississippi 39 at or near Shuqualak, Noxubee County.

Mississippi 22 -- Begins at or near Edwards, Hinds County, thence in a northeasterly direction to or near Flora, thence to a point on U.S. 51 at or near Canton, Madison County.

Mississippi 23 -- Begins on Mississippi 25 at or near Smithville in Monroe County, thence northerly to Tremont, thence to the Mississippi-Alabama state line, Itawamba County, southeast of Golden, Mississippi.

Mississippi 24 -- Begins at or near Fort Adams, Wilkinson County, and extends in an easterly direction to or near Woodville, Centreville, Gloster, Liberty and McComb, Pike County.

Mississippi 25 -- Begins at or near Jackson, Hinds County, thence in a northeasterly direction to or near Carthage, Louisville and Starkville, thence along U.S. 82 to its intersection with U.S. 45A, thence along U.S. 45A to Muldon, thence to or near Aberdeen, Amory, Smithville, to U.S. 78, thence continuing to Belmont, Dennis, Tishomingo, Iuka and to the Mississippi-Tennessee state line north of Cross Roads, Tishomingo County.

Mississippi 26 -- Begins at the Mississippi-Louisiana state line east of Bogalusa, Pearl River County, and extends in an easterly direction to or near Poplarville and Wiggins and ends at or near Lucedale, George County.

Mississippi 27 -- Begins on the Mississippi-Louisiana state line south of Tylertown, Walthall County, and extends northerly to Tylertown, Monticello, Georgetown, Crystal Springs, Utica and ends at or near Vicksburg, Warren County.

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Mississippi 28 -- Begins at or near Fayette, Jefferson County, and extends to, at or near Hazlehurst, Georgetown, Pinola, Magee and Taylorsville and ends on U.S. 84 west of Laurel, Jones County.

Mississippi 29 -- Begins at or near Wiggins, Stone County, and extends in a northerly direction to or near Janice, New Augusta, Runnelstown, Ellisville and ends at Mississippi 28 at or near Soso, Jones County.

Mississippi 30 -- Begins at or near Oxford, Lafayette County, and extends in a northeasterly direction to or near New Albany, thence by Keownsville and Pleasant Ridge, thence to a point at or near Wheeler to intersect U.S. 45, thence along U.S. 45 to south of Booneville, thence from U.S. 45 northeasterly to intersect Mississippi 4 and Mississippi 364, thence to Walden's Store, Hills Chapel, Burton and ends at the Natchez Trace Parkway east of Tishomingo, Tishomingo County.

Mississippi 32 -- Begins on Mississippi Highway 1 at or near Perthshire, Bolivar County, and extends east to or near Shelby, thence continues from U.S. 49W at or near Parchman easterly to or near Webb, Charleston, Oakland, Water Valley, Bruce and Houlka, thence continues from Mississippi 15 south of Houlka to or near Van Vleet and Okolona, Chickasaw County.

Mississippi 33 -- Begins at the Mississippi-Louisiana state line, Wilkinson County, and extends northerly to Mississippi 24 at or near Centreville, thence to Gloster to or near Crosby, Knoxville, Roxie and McNair to U.S. 61 south of Fayette, then from or near Fayette northeasterly to or near Red Lick and Pattison to Mississippi 18 at or near Hermanville, Claiborne County.

Mississippi 35 -- Begins at the Mississippi-Louisiana state line, Marion County, south of Sandy Hook and extends in a northerly direction to a point on U.S. 98 at or near Foxworth, thence continues from or near Columbia to or near Bassfield, Lone Star, Mount Olive, Mize, Raleigh, Forest, Carthage, Kosciusko,

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Vaiden, Holcomb, Charleston and Batesville and ends at or near the Sardis Dam northeast of Batesville, Panola County.

Mississippi 37 -- Begins at a point on U.S. 84, Covington County, south of Hot Coffee and extends in a northerly direction to or near Taylorsville, Center Ridge and ends on Mississippi 35 south of Raleigh, Smith County.

Mississippi 39 -- Begins at or near Meridian, Lauderdale County, and extends in a northerly direction to or near DeKalb and ends on U.S. 45 at or near Shuqualak, Noxubee County.

Mississippi 41 -- Begins at or near Pontotoc, Pontotoc County, and extends southeasterly to or near Okolona, thence easterly to U.S. 45 at or near Wren, Monroe County.

Mississippi 42 -- Begins at the Lawrence-Simpson county line northeast of New Hebron and extends to or near New Hebron, Prentiss, Bassfield and Sumrall to U.S. 49 north of Hattiesburg to or near Petal, Runnelstown, Richton, Sand Hill and State Line to the Mississippi-Alabama state line, Wayne County.

Mississippi 43 -- Begins on U.S. 90 west of Bay St. Louis, Hancock County, and extends in a north northwesterly direction to or near Picayune, thence continues from or near Picayune to Mississippi 26 at or near Cross Roads then to Mississippi 13 south of Prentiss west and north to Arm Road in Section 5, Township 6 North, Range 20 West, Lawrence County, and proceeds northwesterly for approximately four miles to its intersection with U.S. 84 in Section 24, Township 7 North, Range 21 West, thence continues from, at or near Silver Creek, New Hebron and Pinola to Mississippi 13 southwest of Mendenhall, thence continues from Mississippi 18 at or near Puckett, Cross Roads, Pelahatchie and Pisgah to Mississippi 16 at or near Canton, thence to or near Thomastown, Kosciusko, Shady Grove and Friendship ending at the intersection of Mississippi 407 south of Kilmichael, Montgomery County.

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Mississippi 44 -- Begins at or near McComb, Pike County, and extends to or near Pricedale and Jayess to Mississippi 27 east of Jayess, thence continues easterly across the Pearl River to Mississippi 13, Marion County, thence continues from, at or near Columbia to or near Sumrall, Lamar County.

U.S. 45 -- Begins at the Mississippi-Alabama state line at or near the Town of State Line, Greene County, and extends in a northerly direction to or near Waynesboro, Quitman, Meridian, Scooba, Macon, Brooksville, Columbus, Aberdeen, Nettleton, Shannon, Tupelo, Booneville, Corinth and ends at the Mississippi-Tennessee state line north of Corinth, Alcorn County.

U.S. 45A -- Begins at a point on U.S. 45 at or near Brooksville, Noxubee County, and extends in a northerly direction to or near West Point, Okolona, and ends at a point on U.S. 45 at or near Shannon, Lee County.

Mississippi 46 -- Begins at a point on Mississippi 9 south of Calhoun City, Calhoun County, and extends southeasterly to or near Hohenlinden, Mantee, Montpelier to Mississippi 50 approximately seven miles west of West Point, Clay County.

Mississippi 47 -- Begins at approximately seven miles west of West Point, Clay County, on Mississippi 50 and runs in a northerly direction to intersect with Mississippi 8 at or near Trebloc, and thence north to Buena Vista, Chickasaw County.

Mississippi 48 -- Begins at or near Centreville, Wilkinson County, and extends to Liberty, thence continues from Mississippi 24 west of McComb and extends in a southeasterly direction to or near Magnolia, Tylertown and Dexter, thence continues in a southeasterly direction to intersect with Mississippi 35 at Sandy Hook, thence in an easterly direction to or near Lumberton, Lamar County.

U.S. 49 -- Begins at or near Gulfport, Harrison County, and extends in a northerly direction to or near Wiggins, Hattiesburg, Collins, Mendenhall, Jackson and Yazoo City, thence continues from

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or near Tutwiler to or near Clarksdale, and thence continues from U.S. 61 north of Clarksdale westward to or near the Mississippi River, Coahoma County, near Helena, Arkansas.

U.S. 49E -- Begins at or near Yazoo City, Yazoo County, and extends in a northerly direction to or near Tchula and Greenwood and ends at or near Tutwiler, Tallahatchie County.

U.S. 49W -- Begins at or near Yazoo City, Yazoo County, and extends in a northerly direction to or near Belzoni, Indianola and Ruleville and ends at or near Tutwiler, Tallahatchie County.

Mississippi 50 -- Begins at or near Walthall, Webster County, thence easterly to or near Cumberland to Mississippi 15, thence to or near Pheba, Cedar Bluff and West Point to or near junction Mississippi 373 and U.S. 45, then continues from, at or near Columbus on U.S. 82 northeasterly to the Mississippi-Alabama state line, Lowndes County.

U.S. 51 -- Begins at the Mississippi-Louisiana state line at or near Osyka, Pike County, and extends in a northerly direction to or near Magnolia, McComb, Summit, Brookhaven, Hazlehurst, Crystal Springs, Jackson, Canton, Durant, Winona, Grenada, Batesville, Senatobia and Hernando and ends at the Mississippi-Tennessee state line north of Horn Lake, DeSoto County.

Mississippi 53 -- Begins at or near Poplarville, Pearl River County, and extends in a southeasterly direction to or near Nacaise and ends at or near Lyman, Harrison County.

I-55 -- From the Mississippi-Louisiana state line south of McComb via Jackson to the Mississippi-Tennessee state line south of Memphis, Tennessee.

Mississippi 57 -- Begins at or near Fontainebleau, Jackson County, and extends to or near Vancleave, Benndale, Avent, and McLain, thence continues from U.S. 98 east of McLain to or near Leakesville, thence continues from or near Leakesville northerly

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to or near State Line on U.S. 45 and ends at its intersection with Mississippi 42, Greene County.

I-59 -- From the Mississippi-Louisiana state line near Picayune via Hattiesburg, Laurel and Meridian to the Mississippi-Alabama state line west of Cuba, Alabama.

U.S. 61 -- Begins at the Mississippi-Louisiana state line south of Woodville, Wilkinson County, and extends in a northerly direction to or near Woodville, Natchez, Fayette, Port Gibson, Vicksburg, Rolling Fork, Leland, Cleveland, Clarksdale and Tunica and ends at the Mississippi-Tennessee state line north of Lake View, DeSoto County.

Mississippi 63 -- Begins from U.S. 90 at or near Pascagoula, Jackson County, and extends in a northerly direction to or near Moss Point, Wade, Lucedale, Leakesville, Sand Hill and ends at or near Waynesboro, Wayne County.

U.S. 65 -- Begins at the west end of the Mississippi River Bridge at Natchez, Adams County, and extends in an easterly direction to U.S. 61 and thence continues south jointly with U.S. 61 to the Mississippi-Louisiana state line south of Woodville, Wilkinson County.

Mississippi 67 -- Begins at I-10 and extends north to U.S. 49 at or near Saucier, all in Harrison County.

Mississippi 69 -- Begins at the Mississippi-Alabama state line and extends northerly to or near Columbus, all in Lowndes County.

U.S. 72 -- Begins at the Mississippi-Tennessee state line northwest of Mt. Pleasant, Marshall County, and extends in a southeasterly direction to or near Walnut, Corinth and Iuka and ends at the Mississippi-Alabama state line southeast of Iuka, Tishomingo County.

Mississippi 76 -- Begins on Mississippi 6 west of Pontotoc to Mississippi 9, from Mississippi 9 easterly to U.S. 45 south of Tupelo and continuing easterly to existing Mississippi 6 near

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Plantersville, and continues from a point approximately 7.482 miles northeast of U.S. 78 near the community of Fairview and extends northeasterly approximately 11 miles to the Mississippi-Alabama state line, Itawamba County.

U.S. 78 -- Begins at the Mississippi-Tennessee state line northwest of Olive Branch, DeSoto County, and extends in a southeasterly direction to or near Holly Springs, New Albany, Tupelo and Fulton and ends at the Mississippi-Alabama state line east of Fulton, Itawamba County.

U.S. 80 -- Begins at or near Vicksburg, Warren County, and extends in an easterly direction to or near Jackson, Brandon, Forest, Newton and Meridian and ends at the Mississippi-Alabama state line east of Meridian, Lauderdale County.

U.S. 82 -- Begins at the Mississippi River Bridge southwest of Greenville, Washington County, and extends in a northeasterly direction to or near Greenville, thence east to or near Leland, Indianola, Greenwood, Carrollton, Winona, Mathiston and Starkville to a point on U.S. 45 west of Columbus, thence continues from or near Columbus to the Mississippi-Alabama state line east of Columbus, Lowndes County.

U.S. 84 -- Begins at the Mississippi River Bridge at or near Natchez, Adams County, and extends in an easterly direction to U.S. 61 in Natchez, thence continues jointly with U.S. 61 to or near Washington, thence continues from U.S. 61 at or near Washington, to or near Meadville, Brookhaven, Monticello, Prentiss, Collins, Laurel and Waynesboro to the Mississippi-Alabama state line east of Tokio, Wayne County.

U.S. 90 -- Begins at the Mississippi-Louisiana state line southwest of Pearlington, Hancock County, and extends in an easterly direction to or near Bay St. Louis, Gulfport, Biloxi, Pascagoula, and ends at the Mississippi-Alabama state line, Jackson County, en route to Mobile, Alabama.

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U.S. 98 -- Begins at or near Bude, Franklin County, and extends in a southeasterly direction to or near Summit, thence continues from, at or near McComb to or near Tylertown, Columbia and Hattiesburg, thence continues from I-59 southwest of Hattiesburg to or near New Augusta, Beaumont, McLain and Lucedale to the Mississippi-Alabama state line southeast of Lucedale, George County.

I-110 -- Begins at its intersection with U.S. 90 in Biloxi thence north to I-10.

Mississippi 145 -- The various sections of Old U.S. 45 that have been relocated by new construction.

Mississippi 149 -- The various sections of Old U.S. 49 that have been relocated by new construction.

Mississippi 161 -- The various sections of Old U.S. 61 that have been relocated by new construction.

Mississippi 172 -- The various sections of Old U.S. 72 that have been relocated by new construction.

Mississippi 178 -- The various sections of Old U.S. 78 that have been relocated by new construction.

Mississippi 182 -- The various sections of Old U.S. 82 that have been relocated by new construction.

Mississippi 184 -- The various sections of Old U.S. 84 that have been relocated by new construction.

Mississippi 198 -- The various sections of Old U.S. 98 that have been relocated by new construction.

Mississippi 245 -- Begins on U.S. 45A south of Okolona, Chickasaw County, thence continues to Mississippi 32/Mississippi 41 at Okolona and continues to Mississippi 145 at Shannon, Lee County.

I-220 -- Begins at its intersection with I-20 at or near Van Winkle and thence northeasterly a distance of approximately 12 miles to intersect with I-55 at or near the Hinds-Madison county line.

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U.S. 278 -- Begins at the Mississippi-Arkansas state line, continues along U.S. 82 to Leland, thence along U.S. 61 to Clarksdale, continues along Mississippi 6 to Batesville, Oxford, Pontotoc and Tupelo, thence along U.S. 45 to south of Nettleton, near Wren, thence easterly to Amory and ends at the Mississippi-Alabama state line near Gattman, Monroe County.

Mississippi 301 -- Begins at or near Arkabutla, Tate County, thence north to the Tate-DeSoto county line, thence begins on Mississippi 304 at Eudora to or near Lynchburg and ends at the Mississippi-Tennessee state line, DeSoto County.

Mississippi 302 -- Begins at U.S. 61, DeSoto County, thence east to U.S. 78 at or near Olive Branch in DeSoto County, thence to U.S. 72 at or near Mount Pleasant in Marshall County.

Mississippi 304 -- Begins at the Mississippi-Tennessee state line at or near U.S. 72, Marshall County, and thence runs in a southwesterly direction to intersect with U.S. 78 at or near Byhalia and thence runs in a westerly direction to intersect I-55 at or near Hernando and thence runs in a westerly direction to intersect with U.S. 61 in DeSoto County.

Mississippi 305 -- Begins at or near the north boundary line of Sardis Reservoir, Lafayette County, and extends northerly to Mississippi 310 in Lafayette County, then from Mississippi 4 north to or near Independence, Lewisburg, Olive Branch and ends at the Mississippi-Tennessee state line, DeSoto County.

Mississippi 306 -- Begins at or near Coldwater and extends to or near Independence, all in Tate County.

Mississippi 309 -- Begins on Mississippi 4 at or near Chulahoma, Marshall County, Mississippi, and runs thence in a northerly direction to or near the communities of Watson, the Town of Byhalia, and ends at the Mississippi-Tennessee state line north of Barton, Marshall County.

Mississippi 310 -- Begins on Mississippi 3 in Crenshaw, Panola County, and extends in an easterly direction to Como, then

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returns from I-55 easterly to the Lafayette county line near Laws Hill, then to Mississippi 7 at or near Malone, Marshall County.

Mississippi 311 -- Begins on Mississippi 7 at or near Holly Springs and extends northerly to U.S. 72 at or near Mt. Pleasant, all in Marshall County.

Mississippi 313 -- Begins at or near Hudsonville and extends westerly to Atway, thence northerly to U.S. 72 at or near Slayden, all in Marshall County.

Mississippi 314 -- Begins at or near Sardis Reservoir and extends southeasterly to or near Oxford, all in Lafayette County.

Mississippi 315 -- Begins at U.S. Highway 49/Mississippi 61 near the Town of Rich, continues to the Coahoma-Quitman county line, thence easterly to or near Sledge and Sardis, southeasterly to or near Sardis Dam and Water Valley to Mississippi 9W at or near Paris, Lafayette County.

Mississippi 316 -- Begins at a point on U.S. 61 in Coahoma County, at or near Frank Montory's Place and runs thence in a generally southeasterly direction through Jonestown, thence through Belen to Mississippi 6 west of Marks, Quitman County.

Mississippi 321 -- Begins on Mississippi 32 east of Webb and extends northerly and ends at or near Brazil, all in Tallahatchie County.

Mississippi 322 -- Begins at or near Sherard, Coahoma County, and extends east to or near Clarksdale, thence from or near Hopson on U.S. 49 south of Clarksdale east to Mississippi 3 approximately three miles south of Lambert, thence from Lambert to Crowder and ends on the Batesville-Charleston Road east of Crowder, Panola County.

Mississippi 328 -- Begins where it intersects with Mississippi 315, and extends easterly in a direction approximately eight miles to or near Taylor, thence to or near Markette, Lafayette County.

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Mississippi 330 -- Begins on U.S. 51 west of Tillatoba, Yalobusha County, and extends easterly to or near Coffeerville and Gums, thence east to Bruce, Calhoun County.

Mississippi 331 -- Begins on Mississippi 9 southwest of Sarepta, Calhoun County, and extends north to or near Tula and ends on Mississippi 334 north of Tula, Lafayette County.

Mississippi 332 -- Begins at the intersection of Old Mississippi 7 with U.S. 51 approximately one mile north of Grenada and extends in a northeasterly direction to the north abutment of the Grenada Dam, all in Grenada County.

Mississippi 333 -- Begins at the intersection of Old Mississippi 8 with new Mississippi 8, approximately one mile east of Grenada and extends in a northeasterly direction to its intersection with a federally maintained road leading to the south abutment of the Grenada Dam, all in Grenada County.

Mississippi 334 -- Begins at or near Oxford, Lafayette County, and extends in an easterly direction to or near Toccopola and ends on Mississippi 9 at or near Springville, Pontotoc County.

Mississippi 336 -- Begins on Mississippi 6 at or near Lafayette Springs, Lafayette County, and extends to or near Thaxton and Pontotoc, Pontotoc County.

Mississippi 340 -- Begins at the Calhoun-Chickasaw county line near the Riley Ball Home, thence easterly to Mississippi 341, then continues to Mississippi 15 near Woodland, all in Chickasaw County.

Mississippi 341 -- Begins at the Webster-Chickasaw county line, thence northerly to or near Atlanta, Vardaman to Mississippi 32, then continues to or near Buckhorn ending on Mississippi 9 southwest of Pontotoc, Pontotoc County.

Mississippi 342 -- Begins on Mississippi 41 at or near Pontotoc and extends to Mississippi 6 east of Pontotoc, all in Pontotoc County.

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Mississippi 345 -- Begins at or near Pontotoc and extends north and west to or near Ecru, all in Pontotoc County.

Mississippi 346 -- Begins at or near Sand Springs Church, thence east to or near Esperanza, thence to Mississippi 15 approximately three-fourths mile south of Ecru, all in Pontotoc County.

Mississippi 347 -- Begins on Mississippi 349 at or near Bethlehem, thence northeasterly and northwesterly to Mississippi 349 approximately two miles south of Potts Camp, all in Marshall County.

Mississippi 348 -- Begins at or near New Albany, Union County, and extends east to or near Guntown, Lee County.

Mississippi 349 -- Begins where it intersects with Mississippi 30, Union County, and extends northwesterly to or near Cornersville and Bethlehem and ends at or near Potts Camp, Marshall County.

Mississippi 350 -- Begins from Mississippi 2 northeast of Corinth, Alcorn County, thence in an easterly direction to Mississippi 25 near the State Line Resort, Tishomingo County.

Mississippi 351 -- Begins on the Alcorn-Tippah county line thence north to or near Gorforth's Place on Mississippi 2 in Alcorn County.

Mississippi 354 -- Begins at or near Walnut, thence in a southeasterly direction approximately two and nine-tenths miles, all in Tippah County.

Mississippi 355 -- Begins at Mississippi 346 near Esperanza, Pontotoc County, and extends northwesterly to or near Pinedale and Etta, then to Mississippi 30 near Gallway, Union County.

Mississippi 356 -- Begins on the Kossuth-Rienzi Road, Alcorn County, approximately six and one-half miles west of Rienzi and extends east to or near Rienzi and Jacinto, to intersect Mississippi 365 southeast of Jacinto, Prentiss County.

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Mississippi 362 -- Begins at Mississippi 145, runs through Wheeler to Wheeler School, thence from Hopewell Road easterly to intersect at or near the junction with a county road in the northwest quarter of Section 20 approximately one and four-tenths miles west of Mississippi 371, all in Prentiss County.

Mississippi 363 -- Begins on Mississippi 178 west of Fulton, Itawamba County, and extends north to or near Mantachie, thence north and west to Mississippi 145 at Saltillo, Lee County.

Mississippi 364 -- Begins on Mississippi 30 east of Booneville, Prentiss County, runs northeast to Mississippi 365 and thence from a point near Holcut east to Mississippi 25 south of Iuka, Tishomingo County.

Mississippi 365 -- Begins on Mississippi 30 at or near Burton, Prentiss County, thence north to Burnsville to intersect Mississippi 25 at or near Cross Roads, Tishomingo County.

Mississippi 366 -- Begins east of Baldwyn on Mississippi 370, Prentiss County, thence in an easterly direction to Mississippi 371 at Marietta, thence from Mississippi 25 at or near Belmont to the Mississippi-Alabama state line east of Golden, Tishomingo County.

Mississippi 367 -- Begins on Mississippi 356 southeast of Jacinto, thence in a northeasterly direction to Alcorn-Tishomingo county line, all in Alcorn County.

Mississippi 368 -- Begins where it intersects Mississippi 15 at or near Blue Mountain thence easterly to or near Buena Vista School, all in Tippah County.

Mississippi 369 -- Begins on Mississippi 370 approximately two miles east of Benton-Tippah county line, thence northeasterly to or near Walnut, all in Tippah County.

Mississippi 370 -- Begins at Mississippi 5 at or near Ashland, Benton County, thence easterly to Mississippi 15 at or near Falkner, thence from Mississippi 4 at or near Ripley southeasterly to or near Dumas thence to Mississippi 30 at or near

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Pleasant Ridge, thence from Mississippi 30 east of Pleasant Ridge to or near Baldwyn and ends at Mississippi 371 at or near Kirkville, Itawamba County.

Mississippi 371 -- Begins on Mississippi 6 south of Nettleton, Monroe County, thence north to or near Richmond and Mooreville, thence northeast to or near Mantachie, thence north to or near Marietta and ends on Mississippi 4 southeast of Booneville, Prentiss County.

Mississippi 373 -- Begins on U.S. 45 approximately four miles north of Columbus, Lowndes County, thence to the South Gate of Columbus Air Force Base, thence from the North Gate of Columbus Air Force Base to U.S. 45 at or near Hamilton, Monroe County.

Mississippi 379 -- Begins at the Itawamba-Monroe county line and extends northward to a point on Mississippi 371 near Evergreen, all in Itawamba County.

Mississippi 382 -- Begins on U.S. 45A and thence runs in an easterly direction through Prairie to intersect Mississippi 25 approximately three miles south of Aberdeen, all in Monroe County.

Mississippi 385 -- Begins at or near Buena Vista and runs in a northwesterly direction to Mississippi 32 at or near Van Vleet, all in Chickasaw County.

Mississippi 388 -- Begins at or near Brooksville and extends east to or near Cliftonville and to the Mississippi-Alabama state line, all in Noxubee County.

Mississippi 389 -- Begins on U.S. 82 in Starkville, Oktibbeha County, and runs in a northwesterly direction to the Oktibbeha-Clay county line, thence to a point on Mississippi 46 at Montpelier, continues in a northerly direction to a point on Mississippi 8 in Houston, Chickasaw County.

Mississippi 391 -- Begins at the east side of T.N. Kinard property line and runs in a northeasterly direction to Winston-Noxubee county line, all in Winston County.

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Mississippi 393 -- Begins on the Winston-Neshoba county line and extends northward to Mississippi 490 at or near Claytown, Winston County.

Mississippi 395 -- Begins on Mississippi 19 at or near Arlington, Neshoba County, and runs north to Plattsburg, thence east to or near Noxapater, Winston County.

Mississippi 397 -- Begins at or near Louisville, Winston County, and extends southeast to or near DeKalb, Kemper County.

Mississippi 403 -- Begins at or near Mathiston and extends north and west to the county highway maintenance barn for District No. 4 in Webster County.

Mississippi 404 -- Begins at I-55 in Carroll County and extends east to U.S. 51 north of Duck Hill, thence from a point on U.S. 51 at Duck Hill in an easterly direction to beat line of Beat No. 2 in Montgomery County and from the intersection of Cadaretta-Bellefontaine Road at Spring Hill, and extends easterly to or near Bellefontaine in Webster County.

Mississippi 407 -- Begins on U.S. 51, Montgomery County, thence in a southeasterly direction to Mississippi 413 at French Camp, then from Mississippi 12 at or near Weir southwesterly to the Town of McCool, thence west to intersect Mississippi 12, Attala County.

Mississippi 411 -- Begins at a point at or near Glendale School on Mississippi 14 in Attala County, Mississippi, and runs in a northerly direction to or near Antioch Church, thence to the Town of McCool, continues over the business route of Mississippi 12 through the Town of McCool to a point just west of the bridge over the Yockanookany River, thence north to Mississippi 12, all in Attala County.

Mississippi 413 -- Begins at or near Kilmichael, Montgomery County, and extends southeast to or near Weir, Choctaw County.

Mississippi 415 -- Begins where it intersects the Natchez Trace Parkway, thence southeast to or near Chester, and ends on

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Mississippi 9 about two and one-half miles northwest of Ackerman, Choctaw County.

Mississippi 424 -- Begins at or near Holmes State Park and extends east to U.S. 51 south of Durant, Holmes County.

Mississippi 425 -- Begins at a point on Mississippi 12 and runs in a southeasterly direction to the east city limits of Ethel, all in Attala County.

Mississippi 427 -- Begins at or near Laurel Hill, Neshoba County, and extends in a northerly direction to Mississippi 16 at Edinburg, then begins approximately two miles north of Edinburg and extends in a northerly direction to Mississippi 25 between Marydell, Leake County, and Mississippi 19 intersection.

Mississippi 429 -- Begins at or near Blocker's Store, Leake County, and extends northwest to intersect the Natchez Trace Parkway at or near Thomastown, thence northerly to Mississippi 14 at or near Zemuly, thence from Mississippi 14 at or near Newport north to intersect Mississippi 12 north of Sallis, Attala County.

Mississippi 430 -- Begins at or near Greenwood, Leflore County, thence in a southeasterly direction to Leflore-Carroll county line, thence from a point at or near Black Hawk east to or near Vaiden, Carroll County.

Mississippi 431 -- Begins in the Village of Sallis, Attala County, 600 feet west of Mississippi 429 and extends easterly to Mississippi 12 east of Sallis.

Mississippi 432 -- Begins at or near Benton, Yazoo County, and extends northeast to or near Pickens, Holmes County.

Mississippi 433 -- Begins on U.S. 61 at or near Kelso, Sharkey County, thence northeast to a point south of Spanish Fort, and thence from, at or near Satartia, east to or near Benton, thence in a northerly direction to or near Benton, and thence to a point approximately four miles north of the Holmes-Yazoo county line.

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Mississippi 434 -- Begins on U.S. 61 north of Anguilla and extends east to or near Catchings, now Delta City, all in Sharkey County.

Mississippi 436 -- Begins at or near Glen Allen and extends northeasterly to U.S. 61 at or near Percy, all in Washington County.

Mississippi 438 -- Begins at or near Wayside, Washington County, and extends to the Washington-Humphreys county line.

Mississippi 440 -- Begins on Mississippi 19 in Section 2, Township 15 North, Range 5 East, thence easterly to intersect Mississippi 35 at Hesterville, all in Attala County.

Mississippi 442 -- Begins at Mississippi 448 one mile east of Shaw, Sunflower County, thence in an easterly direction to Steiner, thence in a northerly direction to Linn, thence in an easterly direction to Doddsville and extends easterly to U.S. 49E near Schalter, Leflore County.

Mississippi 444 -- Begins at Mississippi 1 at or near Round Lake in Bolivar County, thence easterly to intersect U.S. 61 at or near Duncan, Bolivar County.

Mississippi 446 -- Begins at Mississippi 1 at or near Lobdell and extends east to U.S. 61 at or near Boyle, all in Bolivar County.

Mississippi 448 -- Begins at or near Benoit, Bolivar County, and extends southeast to or near Shaw, thence in a southeasterly direction to join U.S. 82 at or near Indianola, Sunflower County.

Mississippi 450 -- Begins at or near Scott on Mississippi 1 and runs in a southeasterly direction to Choctaw on U.S. 61, all in Bolivar County.

Mississippi 454 -- Begins at or near the Mississippi River Bridge southwest of Greenville and extends east to Mississippi 1 north of Wayside, all in Washington County.

Mississippi 462 -- Begins on U.S. 61, three miles north of Port Gibson, thence in a northerly direction to a point at or near

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Willows, being a part of road connecting U.S. 61 and Mississippi 27 formerly Mississippi 3, all in Claiborne County.

Mississippi 463 -- Begins on Mississippi 22 at or near Livingston, thence southeasterly to U.S. 51 at or near Madison, all in Madison County.

Mississippi 465 -- Begins at Mississippi 1 near Fitler, Issaquena County, thence southerly via Brunswick and Eagle Lake to U.S. 61 north of Redwood, Warren County.

Mississippi 467 -- Begins at or near Edwards and extends southeast to or near Raymond, all in Hinds County.

Mississippi 468 -- Begins three miles north of U.S. 80 on the Fannin Road thence south to U.S. 80, thence in a southeasterly direction to Whitfield, and thence in a northeasterly direction to or near Brandon, all in Rankin County.

Mississippi 469 -- Begins on Mississippi 28 at or near Fork Church, Simpson County, thence northerly to Harrisville, Florence and extends northeasterly to intersect Mississippi 468, Rankin County.

Mississippi 471 -- Begins at or near Brandon and extends in a northerly direction to Mississippi 25, thence from a point seven and five-tenths miles northeast on Mississippi 25 to intersect Sand Hill-Canton Road or Mississippi 43, all in Rankin County.

Mississippi 472 -- Begins approximately two miles east of Hazlehurst, Copiah County, on Old Mississippi 28 near Shady Grove, thence in a southeasterly direction to Rockport; thence begins again in Section 23, Township 10 North, Range 21 West, Simpson County, thence in a northeasterly direction to Mississippi 28 at or near Pinola.

Mississippi 473 -- Begins at a point on the Copiah-Hinds county line northeast of Crystal Springs, thence northerly to new U.S. 51 near Terry, Hinds County.

Mississippi 475 -- Begins at a point on Mississippi 468 and extends in a northerly direction to I-20, thence northerly along

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the western boundary line of the Jackson Municipal Airport (Allen C. Thompson Field) to a point on Mississippi 25, all in Rankin County.

Mississippi 476 -- Begins at or near Van Winkle and extends easterly to the west corporate limits of Jackson, as the corporate limits were in 1949, all in Hinds County.

Mississippi 477 -- West Rankin Parkway (New Route)--Begins at Mississippi 25 in the City of Flowood, thence south to U.S. 80 at Pearson Road in the City of Pearl, all in Rankin County.

Mississippi 478 -- Begins about three miles east of Rockport in Simpson County, and extends in an easterly direction to a point on Mississippi 43.

Mississippi 481 -- Begins on Mississippi 43, Rankin County, and extends east to the Rankin-Scott county line to Morton, Pulaski, Trenton, Burns and intersects Mississippi 35, Smith County.

Mississippi 482 -- Begins on Mississippi 16 east of Philadelphia where Sandtown Road leaves Mississippi 16, thence in a northeasterly direction to intersect with Mississippi 491 near Bogue Chitto Indian School; all in Neshoba County. Also begins on Mississippi 19 south of Philadelphia near the Neshoba County Hospital and extends in a northeasterly direction to intersect present Mississippi 482 about one and three-tenths miles north of its intersection with Mississippi 16. This route is now numbered Mississippi 894.

Mississippi 483 -- Begins at a point on Mississippi 13 at Forkville, thence in a northwesterly direction to Ludlow, Scott County.

Mississippi 484 -- Begins on Mississippi 488 west of Madden, Leake County, thence through the community of Wright's Springs and thence easterly to the Neshoba county line at the intersection of Mississippi 488 and Mississippi 427.

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Mississippi 485 -- Begins on Mississippi 21, thence in a northeasterly direction to Mississippi 15 at Good Hope, Neshoba County.

Mississippi 486 -- Begins on Mississippi 16 east of Philadelphia, thence southeasterly to the intersection of Mississippi 491, all in Neshoba County.

Mississippi 487 -- Begins at or near Lena, Leake County, thence northeasterly to or near Tuscola and Carthage, thence in an easterly direction by Standing Pine, Rosebud and Salem, thence in a southeasterly direction to the intersection of Mississippi 21 at Sebastopol, Scott County.

Mississippi 488 -- Begins at or near Mississippi 35 at Carthage, Leake County, and extends to or near Madden, Laurel Hill, and to a point on Mississippi 21 approximately two miles west of Williamsville, Neshoba County.

Mississippi 489 -- Begins at or near Lake, Scott County, and extends northeast to or near Conehatta to Union, Newton County.

Mississippi 490 -- Begins at or near Noxapater, Winston County, thence in an easterly direction to intersect Mississippi 397, thence in a northeasterly direction by Old Fearn Springs Post Office to the Noxubee county line.

Mississippi 491 -- Begins on Mississippi 19, approximately 200 yards south of the Neshoba-Newton county line, thence in a northerly direction to Mississippi 486 southwest of DeWeese and thence from Mississippi 16 at Cross Roads north to Mississippi 21 near the center of Section 22, Township 12 North, Range 13 East, Neshoba County.

Mississippi 492 -- Begins at the intersection of Mississippi 487 at or near Tuscola, Leake County, and runs in an easterly direction to or near Walnut Grove and to the south boundary of Golden State Park and continues as Golden State Park Road until it reaches Mississippi 21. Then from a point on Mississippi 21 at or

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near Sebastopol to or near Union and ends at or near House School east of Mississippi 19, Neshoba County.

Mississippi 493 -- Begins at or near Meridian, Lauderdale County, thence in a northerly direction to or near Bailey and Moscow, and ends on Mississippi 16 in Kemper County.

Mississippi 494 -- Begins on Mississippi 15 at or near Union, Newton County, and extends southeast to or near Little Rock and Dufee to intersect Mississippi 19 at or near Hookston, Lauderdale County.

Mississippi 495 -- Begins on Mississippi 493 at Bailey's Store, in Lauderdale County, thence in a northerly direction to the Kemper county line, thence by Damacus School and intersection Mississippi 16 at or near Daw's Store and from another point on Mississippi 16 at Daw's Brothers Store, thence northerly to a point on Mississippi 397 approximately one and one-half miles south of Preston, Kemper County.

Mississippi 496 -- Begins at the intersection of Mississippi 19 in Lauderdale County at Old Odom Store Place, thence in an easterly direction by way of Culpepper, thence to the Mississippi-Alabama state line, Lauderdale County.

Mississippi 498 -- Begins at a point on U.S. 45 about 12 miles south of Scooba, Kemper County, thence in an easterly direction to Porterville.

Mississippi 500 -- Begins with its intersection with Mississippi 13 at or near Lena, thence in a easterly direction to a local road at Frank Reeves', thence in a northerly direction to Mississippi 487 at Tuscola, Leake County.

Mississippi 501 -- Begins on Mississippi 18 approximately eight miles east of Raleigh and extends in a northerly direction to or near Pineville to U.S. 80 in Forest.

Mississippi 502 -- Begins with its intersection with Mississippi 488 between Standing Pine and Free Trade, thence in an easterly direction by Springfield Baptist Church, Thaggards

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Clinic, Madden School and intersects Mississippi 488 at Madden Baptist Church in the Village of Madden, all in Leake County.

Mississippi 503 -- Begins on Mississippi 528 at or near Heidelberg, Jasper County, thence in a northerly direction to Paulding, Hero, Hickory and ends at or near Decatur, Newton County.

Mississippi 504 -- Begins on Mississippi 15 north of Jasper-Newton county line to Mississippi 503 at Hero, Jasper County.

Mississippi 505 -- Begins at or near Roberts, Newton County, and extends north to U.S. 80 at or near Lawrence.

Mississippi 508 -- Begins on U.S. 45 approximately six miles south of Waynesboro and runs southeasterly approximately three miles to Waynesboro Pine Tree Nursery, all in Wayne County.

Mississippi 510 -- Begins on U.S. 45 at or near Shubuta in Wayne County, thence in an easterly direction to Matherville, thence in a southerly direction to the end of state maintenance, Wayne County.

Mississippi 511 -- Begins at a point on Mississippi 18 at or near Quitman, Clarke County, thence in a southeasterly direction about seven and two-tenths miles, now known as the Quitman-Crandall Road in Clarke County.

Mississippi 512 -- Begins on the Clarke-Jasper county line, thence easterly on the Old Paulding and Pachuta Road to Mississippi 18 at Pachuta, thence continues jointly with Mississippi 18 approximately two miles southeast of Pachuta, thence to U.S. 45 in Quitman, Clarke County.

Mississippi 513 -- Begins on Mississippi 18 in the Town of Rose Hill, Jasper County, thence to Enterprise on U.S. 11 and extends southeasterly to or near Quitman, Clarke County.

Mississippi 514 -- Begins at a point on Mississippi 513 in Enterprise, thence in an easterly direction to a point on U.S. 45

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near the northeast corner of the southeast quarter of Section 20, Township 4 North, Range 16 East, all in Clarke County.

Mississippi 528 -- Begins at or near Bay Springs and extends to U.S. 11 at or near Heidelberg, all in Jasper County.

Mississippi 529 -- Begins with its intersection on U.S. 84 at or near Hebron community, thence in a northerly direction to Mississippi 28 at Gitano, Jones County.

Mississippi 531 -- Begins on Mississippi 28 approximately one mile east of Taylorsville in Smith County, thence in a northeasterly direction to the intersection with Mississippi 18 approximately three miles west of Bay Springs, Jasper County.

Mississippi 532 -- Begins at or near Mt. Olive, Covington County, and extends southeasterly via Hot Coffee, ending at U.S. 84 at or near Reddoch, Covington County.

Mississippi 533 -- Begins where it intersects Mississippi 28 at or near Soso, Jones County, thence in a northerly direction along the Ridge Road to Mississippi 15 at or near Stringer, Jasper County.

Mississippi 535 -- Begins at Seminary, thence in a northeasterly direction to a point on Mississippi 588, all in Covington County.

Mississippi 536 -- Begins on Mississippi 15 in Section 12, Township 7 North, Range 11 West, in Jones County, and extending in a northerly and southeasterly direction to Mississippi 63 in Wayne County in Section 26, Township 7 North, Range 8 West.

Mississippi 537 -- Begins at or near Laurel, Jones County, and extends northerly to the Jones-Jasper county line, thence northwesterly and southwesterly via Mossville to Mississippi 15, Jones County.

Mississippi 540 -- Begins at the intersection of Mississippi 469 at Harrisville, Simpson County, and extends easterly to Old U.S. 49 and Mississippi 13 at or near Mendenhall, thence southeasterly to new U.S. 49, thence in a northerly and easterly

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direction to a point on Mississippi 541 at Roy Upton's Store, thence northeasterly and easterly to intersect Mississippi 35 south of Raleigh, Smith County.

Mississippi 541 -- Begins approximately five miles south of the Simpson county line in Jefferson Davis County, thence in a northerly direction to or near Magee, Martinville and to intersect Mississippi 18 southeast of Puckett, and from another point on Mississippi 18 at or near White Oak, thence in a northwesterly direction to intersect Mississippi 13 north of Puckett, Smith County.

Mississippi 545 -- Begins at the intersection with Mississippi 28 in Simpson County, thence in a northerly direction for a distance of approximately two miles along the State Farm Road by and through the State Sanatorium Farm to a point of intersection with U.S. 49, all in Simpson County.

Mississippi 547 -- Begins at or near Port Gibson, Claiborne County, and extends southeasterly via Pattison to or near Allen, thence from a point on Mississippi 28 at or near Allen and extending in an easterly direction to Covich-Lincoln county line.

Mississippi 548 -- Begins four miles east of Mississippi 18 at or near Hermanville, Claiborne County, thence easterly to the Claiborne-Covich county line.

Mississippi 550 -- Begins on Mississippi 28 at or near Union Church, Jefferson County, and extends southeasterly to or near Brookhaven, Lincoln County.

Mississippi 552 -- Begins at the Mississippi River at or near the mouth of Bayou Pierre, Claiborne County, thence easterly then southerly on the Port Gibson-Alcorn University Road, and extends southerly to Alcorn State University, thence southeasterly to or near Lorman, thence in an easterly direction to Red Lick, thence near Blue Hill, and continues from McBride and intersects Mississippi 28 at Pleasant Hill, Jefferson County.

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Mississippi 553 -- Begins on U.S. 61 at or near Stanton, Adams County, and extends in a northerly direction to or near Church Hill, thence in an easterly direction to Fayette, thence in a northerly direction to Harriston, Jefferson County.

Mississippi 554 -- Begins at or near Pine Ridge and extends to U.S. 61 at or near Selma, all in Adams County.

Mississippi 555 -- Begins at the road junction in Section 50, Township 6 North, Range 2 West, and extends in a northwesterly direction to U.S. 61 south of Natchez and from another point in Natchez, northeasterly to Pine Ridge, and thence three and eight-tenths miles north to Old Pine Ridge School, all in Adams County.

Mississippi 556 -- Begins on Mississippi 184 at or near Meadville, thence in a southeasterly direction to intersect U.S. 98, all in Franklin County.

Mississippi 558 -- Begins west of I-55 and extends along Brookway Boulevard to U.S. 51, thence continues to Mississippi 184 (Monticello Street), all in Brookhaven, Lincoln County.

Mississippi 563 -- Begins on U.S. 61 approximately three miles north of Woodville, thence to Wilkinson in a northeasterly direction to or near Crosby, all in Wilkinson County.

Mississippi 567 -- Begins on Mississippi 24 at or near Liberty, Amite County, and runs in a northerly direction to U.S. 98 south of Bude, Franklin County, except that section from Butler's Crossing, easterly to Zion Hill Baptist Church.

Mississippi 568 -- Begins at the Mississippi-Louisiana state line in Amite County and extends in a northeasterly direction to or near Gillsburg and ends on U.S. 51 south of Magnolia, Pike County.

Mississippi 569 -- Begins on Mississippi-Louisiana state line, Amite County, and extends in a northeasterly direction to Mississippi 48 at or near Beachwood, and from Mississippi 24 at or

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near Liberty in a northeasterly direction to Smithdale to intersect U.S. 98 at or near Auburn, Lincoln County.

Mississippi 570 -- Begins on U.S. 98 in Franklin County, thence in a southeasterly direction to or near Smithdale and McComb, thence from a point on Mississippi 44 in McComb to or near Felders and to intersect Mississippi 44 at or near Pricedale, Pike County.

Mississippi 571 -- Begins at a point approximately one mile east of Gillsburg on Mississippi 584 and runs in a southerly direction to connect with Louisiana 441, all in Amite County.

Mississippi 575 -- Begins at Progress, thence northeasterly for a distance of approximately four miles to a point of intersection with Mississippi 48, all in Pike County.

Mississippi 583 -- Begins at or near Brookhaven, Lincoln County, thence in a southeasterly direction through Enterprise and Ruth to intersect Mississippi 44 at Alton Brister's Store, thence southeasterly to or near Tylertown, Walthall County.

Mississippi 584 -- Begins at Liberty, Amite County, and runs in a southeasterly direction to or near Gillsburg, then to U.S. 51 at or near Osyka, Pike County.

Mississippi 585 -- Begins on U.S. 98 east of Tylertown, thence in a northeasterly direction to intersect Mississippi 586 at or near Darbon, all in Walthall County.

Mississippi 586 -- Begins at or near Darbon on Mississippi 585, thence in a southeasterly direction to U.S. 98 at or near Foxworth, Marion County.

Mississippi 587 -- Begins on U.S. 98 at Foxworth, Marion County, thence northwesterly to Morgantown, Whitebluff, Tilton and Robinwood to connect with U.S. 84 in Monticello, Lawrence County.

Mississippi 588 -- Begins on U.S. 84 approximately one mile east of Collins, Covington County, thence in an easterly direction to or near Ellisville, Jones County.

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Mississippi 589 -- Begins at a point on I-59 at or near Purvis, Lamar County, thence in a northwesterly direction to intersect U.S. 98, thence continues northerly to or near Sumrall, then north to U.S. 49 at or near Seminary, Covington County.

Mississippi 590 -- Begins at a point on U.S. 49 at or near Seminary, Covington County, and extends in an easterly direction to a point on U.S. 11 at or near Ellisville, Jones County.

Mississippi 591 -- Begins on Mississippi 570 at Felder's Camp Ground, thence northerly approximately two-tenths mile, all in Pike County.

Mississippi 594 -- Begins on Mississippi 63 south of Leakesville and runs easterly to the Mississippi-Alabama state line, all in Greene County.

Mississippi 598 -- Begins on U.S. 49 at a point west of Sanford, continues in an easterly direction to another point at Sanford, all in Covington County.

Mississippi 601 -- A central Harrison County connector from I-10 to U.S. 90 in the vicinity of Canal Road to the Mississippi State Port at Gulfport.

Mississippi 603 -- Begins on Mississippi 43 at or near Kiln and extends in a northerly direction to or near Necaize, all in Hancock County.

Mississippi 604 -- Begins on U.S. 90 at or near the Mississippi-Louisiana state line and extends in a northeasterly direction to the Picayune-Bay St. Louis Road near Westonia, all in Hancock County.

Mississippi 605 -- Begins on U.S. 90 at Cowan Road in Gulfport, thence in a northerly direction along Cowan and Lorraine Roads to I-10, thence continuing to relocated/reconstructed Mississippi 67, northwest to relocated Mississippi 67 at or near U.S. 49, all in Harrison County.

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Mississippi 606 -- Begins at the southern end of the Beach Highway in Hancock County, thence in a northeasterly direction across U.S. 90 to the northern end of Beach Highway.

Mississippi 607 -- Begins on U.S. 90 west of Bay St. Louis and runs in a westerly and northwesterly direction to I-10 south of N.A.S.A., thence from the intersection with unnumbered state highway at Santa Rosa north of N.A.S.A. to a point on I-59 at or near Nicholson, all in Hancock County.

Mississippi 609 -- Begins on U.S. 90 in Ocean Springs, thence north to I-10 and thence from the north end of the bridge over Bayou Costapia and extends northerly along what is known as the Old Spanish Trail Highway to approximately three-tenths mile south of George-Jackson county line, all in Jackson County.

Mississippi 611 -- Begins at the entrance to H.K. Porter Company, Inc., plant site in the Bayou Cassotte Industrial Area at Station 220-00, thence in a northerly direction for a distance of approximately four miles to intersect U.S. 90 at a point about one mile west of Kreole, thence westerly on U.S. 90 to intersect Chico Road, thence northerly on Chico Road and ends on Mississippi 613 south of Moss Point, all in Jackson County to be designated as Mississippi 613.

Mississippi 612 -- Begins on Mississippi 613 at or near Hathaway's Store, thence in an easterly direction to the Mississippi-Alabama state line, all in George County.

Mississippi 613 -- Begins on U.S. 90 in Pascagoula, Jackson County, thence northerly via Call Town, Bigpoint, Hurley, Harleston and Agricola to Mississippi 198 at Lucedale, George County.

Mississippi 614 -- Begins at Wade on Mississippi 63, thence in an easterly direction to or near Hurley, thence to the Mississippi-Alabama state line, all in Jackson County.

Mississippi 615 -- An east Harrison County connector from U.S. 90 to I-10 to be located between the Cowan-Lorraine Road

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interchange and the I-110 interchange, thence northerly to relocated/reconstructed Mississippi 67.

Mississippi 617 -- Begins at Litton Industries, Inc., between West Pascagoula River and East Pascagoula River in the City of Pascagoula and extends north to U.S. 90, all in Jackson County.

Mississippi 618 -- Mississippi 613 Spur--Begins on Mississippi 613 in Moss Point and extends east to U.S. 90 at Orange Grove, Jackson County.

Mississippi 619 -- Spur--Extends south to Naval Station, also known as Singing River Island Causeway, all in Jackson County.

Mississippi 621 -- Begins I-10 and extends in a northerly direction to North Swan Road ending on U.S. 49 at or near Lyman, all in Harrison County.

Mississippi 701 -- Begins at the intersection of U.S. 78 with Mulberry Street in the Town of Potts Camp, thence southwesterly along Mulberry Street to Front Street, thence southeasterly along Front Street to Ash Street, thence northerly to Mississippi 178, all in Marshall County.

Mississippi 702 -- Mississippi 5 Spur--Begins on Mississippi 7 and extends east to Michigan City, Benton County.

Mississippi 703 -- Begins at or near Byhalia Cemetery on Mississippi 178 in the north part of the City of Byhalia, thence runs southeasterly down Main Street to Hood's Store on U.S. 78, all in Marshall County.

Mississippi 704 -- Begins on Mississippi 7, thence in an easterly direction, approximately one-half mile to Lamar, Benton County.

Mississippi 705 -- Loop--All in the Town of Hickory Flat off Mississippi 178 in Benton County.

Mississippi 706 -- Spur--Begins on U.S. 49E and extends west to Sidon, Leflore County.

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Mississippi 713 -- Mississippi 304 Spur--Extends southwesterly to or near Robinsonville, Tunica County, from Mississippi 304.

Mississippi 714 -- Mississippi 3 Spur--Begins on Mississippi 3 and extends west into Sledge, Quitman County.

Mississippi 716 -- Mississippi 315 Spur--Begins on Mississippi 315 thence west to Quitman-Tunica county line.

Mississippi 718 -- U.S. 51 Spur--Begins on U.S. 51 and extends west to Courtland, Panola County.

Mississippi 720 -- I-55 Connection--Begins on I-55 and extends west to U.S. 51 between Courtland and Pope, Panola County.

Mississippi 722 -- Spur--Begins on U.S. 51 and extends west to Pope, Panola County.

Mississippi 723 -- Begins at a point on Mississippi 32 approximately eight miles northwest of Bruce, Calhoun County, runs north of Gulf Interstate Gas Pumping Station.

Mississippi 724 -- U.S. 51 Spur--Begins on U.S. 51 north of Oakland, Yalobusha County, and extends west into Enid, Tallahatchie County.

Mississippi 725 -- Mississippi 6 Spur--Begins on Mississippi 6 and extends north to Batesville, Panola County.

Mississippi 726 -- U.S. 49 Spur--Begins on U.S. 49 and extends south to Tutwiler, Tallahatchie County.

Mississippi 727 -- Mississippi 32 Connection--Begins on Mississippi 32, Tallahatchie County, and extends east to U.S. 51 in Oakland, Yalobusha County.

Mississippi 728 -- U.S. 49E Spur--Begins on U.S. 49E and extends east into Sumner, Tallahatchie County.

Mississippi 729 -- Begins on U.S. 51 and extends northeasterly to I-55, all in Grenada County.

Mississippi 731 -- Mississippi 35 Connection--Begins on Mississippi 35 in South Kosciusko and extends north to Mississippi 12, all in Attala County.

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Mississippi 732 -- Begins on Mississippi 35 approximately three and one-half miles south of Charleston, thence runs in an easterly direction to Camp Tallaha, Tallahatchie County.

Mississippi 733 -- Begins at the junction of Old Taylor-Oxford Road with Mississippi 328 near the railroad overpass southwest of Taylor and extends in a northerly direction approximately one mile to an intersection in Taylor, Lafayette County.

Mississippi 734 -- Spur--Begins on U.S. 49E and extends east into Glendora, Tallahatchie County.

Mississippi 735 -- Mississippi 12 Loop--Begins on Mississippi 12 and extends east and north to Mississippi 12 in Kosciusko, Attala County.

Mississippi 736 -- Begins on Mississippi 35 south of the Yockanookany River, then runs easterly through Williamsville to Mississippi 14, all in Attala County.

Mississippi 737 -- Begins on Mississippi 178 at or near Red Banks, thence through the business district of Red Banks and ends on Mississippi 178, all in Marshall County.

Mississippi 738 -- Mississippi 6 Connection--Begins on Mississippi 6 and extends west to Mississippi 334 in East Oxford, Lafayette County.

Mississippi 739 -- Loop--Begins on Mississippi 12 and extends east and north through Ethel, Attala County, to Mississippi 12.

Mississippi 741 -- Begins at a point at or near Gilliland Hill approximately five miles south of the corporate limits of the City of Kosciusko, Mississippi, thence runs in an easterly direction to Old Mississippi 35, thence in a northerly direction to Texas Eastern Pumping Station, all in Attala County.

Mississippi 743 -- Spur--Begins on U.S. 82 in South Greenwood at U.S. 49E and extends north, all in Leflore County.

Mississippi 744 -- Spur--Begins on U.S. 82 in East Greenwood and extends west on East Stone Street, all in Leflore County.

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Mississippi 745 -- Mississippi 182 Connection--Begins on Mississippi 182 and extends southeast to Mississippi 413 in the Town of Kilmichael, all in Montgomery County.

Mississippi 747 -- That portion of Getwell Road from the Mississippi-Tennessee state line south to its intersection with Church Road, all in DeSoto County.

Mississippi 758 -- Mississippi 25 Connection--Begins on Mississippi 25 and extends southwest .310 mile to a local road.

Mississippi 759 -- Mississippi 12 Loop--Begins on Mississippi 12 and extends east and north to Mississippi 12 through Ackerman, all in Choctaw County.

Mississippi 760 -- Mississippi 25 Connection--Begins on Mississippi 25 south of Belmont and extends east to Golden as Mississippi 366, all in Tishomingo County.

Mississippi 761 -- Mississippi 178 Spur--Begins on Mississippi 178 and extends north to Myrtle, all in Union County.

Mississippi 762 -- Mississippi 15 Spur--Begins on Mississippi 15 and extends west to Ingomar, Union County.

Mississippi 763 -- U.S. 82 Connection--Begins on U.S. 82 and extends northwest to Mississippi 15 in Maben, Oktibbeha County.

Mississippi 764 -- Mississippi 9 Spur--Begins on Mississippi 9 in Blue Springs, Union County, and extends north.

Mississippi 765 -- Begins at the Natchez Trace Parkway, runs thence easterly for a distance of approximately 2,800 feet to or near Bland's Store, in the Village of Cumberland, all in Webster County.

Mississippi 766 -- Begins in the Town of Saltillo at Mississippi 363, and runs in a northerly direction to the intersection of Mississippi 145, all in Lee County.

Mississippi 767 -- Begins at the intersection of Ridgeroad and Mississippi 25, Tishomingo County, thence southeasterly along Ridgeroad to the Mississippi-Alabama state line, Itawamba County.

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Mississippi 768 -- Begins on Mississippi 15 south of Ackerman, thence in an easterly direction past Choctaw Lake to the 4-H Club Picnic Grounds. This includes a spur past the clubhouse and ends at the picnic grounds, all in Choctaw County.

Mississippi 769 -- Begins at or near the south corporate limits of Tupelo and extends over Old U.S. 45, proceeds to Green Street in Tupelo, through Tupelo on Green Street to the intersection of Green Street and Mississippi 145 near the north corporate limits of Tupelo, all in Lee County.

Mississippi 770 -- Connection--Begins on Mississippi 15 and extends west to the intersection of Mississippi 6 and 9 in the Town of Pontotoc, all in Pontotoc County.

Mississippi 772 -- Mississippi 15 Spur--Begins on Mississippi 15 and extends west to Algoma, Pontotoc County.

Mississippi 773 -- Commences at the intersection of Center Road and Mississippi 2 and extends northeasterly along Center Road for about two miles to its intersection with Peoples Farm to Market Road, all in Tippah County.

Mississippi 774 -- U.S. 45 Connection--Begins on U.S. 45 and extends east to Mississippi 6 in the Town of Nettleton, Lee/Monroe County.

Mississippi 775 -- Mississippi 12 Spur--Begins on Mississippi 12 and extends east at Mississippi State University in Starkville on Old Mississippi 12, all in Oktibbeha County.

Mississippi 776 -- Begins at the intersection of Old Mississippi 6 and new Mississippi 6, thence runs northeast along Old Mississippi 6 to its intersection with Mississippi 371, all in Monroe County.

Mississippi 777 -- Begins at or near the southern boundary of the Town of Walnut at or near the intersection of old and new Mississippi 15, follows the route of Old Mississippi 15, and runs through the business section of Walnut and in a northerly direction to intersect U.S. 72, all in Tippah County.

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Mississippi 778 -- Begins at U.S. 78 in Section 22, Township 8 South, Range 4 East, thence in a southeasterly direction in the vicinity of Old U.S. 78 to intersect U.S. 78, or Mississippi 9, at or near Sherman.

Mississippi 779 -- Spur--Begins on U.S. 72 and extends north to Glen, Alcorn County.

Mississippi 781 -- Mississippi 50 Spur--Begins on Mississippi 50 near Cedar Bluff and extends to State Lime Plant, all in Clay County.

Mississippi 782 -- Mississippi 15 Connection--Begins on Mississippi 15 and extends west in Mantee, Webster County.

Mississippi 784 -- Mississippi 9 Loop--Begins on Mississippi 9 and extends east and north across Mississippi 50 and back to Mississippi 9 in the Town of Walthall, Webster County.

Mississippi 785 -- U.S. 72 Spur--Begins on U.S. 72 in Corinth and extends north on Davis Street and Cass Street to Wick Street, all in Alcorn County.

Mississippi 786 -- Begins at a point on U.S. 45, and runs west at distance of approximately 1.27 miles to the Columbus Air Force Base, all in Lowndes County.

Mississippi 788 -- U.S. 45A Spur--Begins on U.S. 45A and extends east to Artesia, Lowndes County.

Mississippi 789 -- Begins on U.S. 82 and extends southeasterly along Airport Road and Industrial Park Road to Artesia Road, thence northeasterly along Artesia Road to U.S. 45.

Mississippi 790 -- Mississippi 9 Connection--Begins on Mississippi 9 and extends northeast to Mississippi 15 north of Ackerman, Choctaw County.

Mississippi 792 -- Begins on U.S. 45 and extends easterly along Carson Road, for a distance of approximately four and one-half miles to the new Weyerhaeuser Road, Lowndes County, thence continues south to Mississippi 388 in Noxubee County.

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Mississippi 793 -- Mississippi 30 Spur--Begins on Mississippi 30 west of Tishomingo and extends north to Paden, Tishomingo County.

Mississippi 795 -- Mississippi Economic and Community Development Highway Project No. DECD-0044(19)B located from Eka Chemical Plant entrance on Nashville Ferry Road located in Section 11, Township 19 South, Range 18 West, northerly along Nashville Ferry Road until it intersects with Pickensville Road, thence northerly along Pickensville Road (existing and relocated) until it intersects with Yorkville Road, thence east along Yorkville Road to U.S. 69 located in Section 26, Township 18 South, Range 18 West, for a total length of 4.419 miles.

Mississippi 801 -- Begins on Mississippi 27 north of Crystal Springs, Copiah County, thence north to Copiah-Hinds county line. This was Old U.S. 51.

Mississippi 802 -- U.S. 61 Spur--Begins on U.S. 61 and extends northwest into the Town of Alligator, Bolivar County.

Mississippi 804 -- Mississippi 1 Loop--A loop on Mississippi 1 at Gunnison, Bolivar County.

Mississippi 806 -- Begins at the intersection of the south end of new U.S. 49W bypass just south of Isola, thence into Isola to the north end of U.S. 49 bypass, Humphreys County.

Mississippi 808 -- Begins on U.S. 61 in Port Gibson, thence west to Market Street, thence in a northeasterly direction along Market Street, thence to U.S. 61 approximately three-fourths mile north of Port Gibson, all in Claiborne County.

Mississippi 809 -- Industrial access road from the port and industrial area to U.S. 82 in Greenville, Washington County.

Mississippi 810 -- Spur--Begins on U.S. 49W and extends west to Sunflower, Sunflower County.

Mississippi 812 -- Spur--Begins on U.S. 49W and extends north into Ruleville, Sunflower County.

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Mississippi 814 -- Begins on Mississippi 1 north of Greenville and extends south to north corporate limits of Greenville as Old Mississippi 1 Business Route, thence extends along North Broadway Street in a southerly direction, to the intersection of U.S. 82 and the south corporate limits of Greenville, thence runs easterly to Mississippi 1, all in Washington County.

Mississippi 816 -- Mississippi 149 Spur--Begins on Mississippi 149 and extends west to Inverness, Sunflower County.

Mississippi 817 -- Mississippi 8 Spur--Begins at Pace and extends north to Mississippi 8, all in Bolivar County.

Mississippi 818 -- U.S. 49E Spur--Begins on U.S. 49E and extends west to Cruger, Holmes County.

Mississippi 819 -- Begins on Mississippi 548 in Hermanville, thence extends northward to Mississippi 18 at Hermanville, Claiborne County.

Mississippi 820 -- Spur--Begins on U.S. 49W and extends west to Drew, Sunflower County.

Mississippi 822 -- Begins four-tenths mile west of the intersection of I-20 and U.S. 80 on West Street and extends east approximately six and two-tenths miles, all in Warren County.

Mississippi 824 -- U.S. 61 Spur--Begins on U.S. 61 and extends west in Anguilla, Sharkey County.

Mississippi 826 -- Begins at a point on Mississippi 14 approximately one mile west of Rolling Fork and runs south to U.S. 61 south of Rolling Fork, all in Sharkey County.

Mississippi 828 -- U.S. 49E Spur--Begins on U.S. 49E and extends west to Yazoo City, Yazoo County.

Mississippi 830 -- U.S. 49 Loop--Begins on U.S. 49 and extends east and north to U.S. 49 at and in Bentonla, Yazoo County.

Mississippi 832 -- Connection--Begins on U.S. 49W and extends into Doddsville, Sunflower County.

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Mississippi 834 -- A truck route from Harbor Industrial Park to U.S. 61 north, Warren County.

Mississippi 835 -- Spur--Begins on U.S. 49E and extends north to Tchula, Holmes County.

Mississippi 844 -- U.S. 51 Loop--Begins at I-55 south of Crystal Springs and extends east across U.S. 51 and north to U.S. 51 in Crystal Springs, all in Copiah County.

Mississippi 848 -- Spur--Begins on U.S. 51 in Beauregard and extends south on North Street, all in Copiah County.

Mississippi 850 -- A route from the Wesson Campus of Copiah-Lincoln Junior College directly to U.S. 51, all in Copiah County.

Mississippi 852 -- U.S. 45A Loop--Begins on U.S. 45A in Brooksville and extends south and east to U.S. 45 at Brooksville, all in Noxubee County.

Mississippi 853 -- Begins at the point where Mississippi 16 intersects the gravel road and runs along Sections 35 and 36, Township 11 North, Range 12 East, Neshoba County, and runs south along the section lines between Sections 35 and 36 and between Sections 1 and 2, Township 10 North, Range 12 East, to the intersection of the gravel road with Mississippi 486, all in Neshoba County.

Mississippi 854 -- Begins at its intersection with Mississippi 39 at or near Lizelia and extends easterly approximately three and one-half miles to the United States Naval Auxiliary Air Station, Lauderdale County. The Transportation Commission shall maintain, construct, take over and assume jurisdiction of such highway in the same manner and subject to the same conditions as set out in Sections 65-1-75 and 65-3-3. Such highway shall remain under the jurisdiction of the Transportation Commission for as long as the highway is used to provide access to the United States Naval Auxiliary Air Station or to any other United States government facility.

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Mississippi 855 -- Mississippi 890 Connection--Between Mississippi 890 in Bolton and I-20 north of Bolton, Hinds County.

Mississippi 878 -- Mississippi 35 Connection--Begins on Mississippi 35 and extends east and north to Mississippi 35 in Walnut Grove, Leake County.

Mississippi 881 -- U.S. 80 Connection--Begins on U.S. 80 west of Newton and extends southeast approximately two-tenths mile, all in Newton County.

Mississippi 882 -- Loop--Begins on Mississippi 35 and extends west and north to Mississippi 35 at Harpersville, Scott County.

Mississippi 883 -- Spur--Begins on U.S. 80 and extends south on Decatur Street, Newton County. Was Old Mississippi 15.

Mississippi 884 -- U.S. 45 Spur--Begins on U.S. 45 and extends south toward Marion, Lauderdale County.

Mississippi 885 -- Mississippi 16 Connection--Begins on Mississippi 16 west of Philadelphia and extends northwest to intersect with Mississippi 15, all in Neshoba County.

Mississippi 886 -- Begins at the intersection of I-55 in the Town of Ridgeland thence runs in an easterly direction to U.S. 51 and Jackson Avenue, all in Madison County.

Mississippi 888 -- Mississippi 13 Spur--Begins on Mississippi 13 and extends west at Roosevelt State Park south of Morton, Scott County.

Mississippi 889 -- I-20 Connection--Begins at the junction of U.S. 80 and Adams Street in Chunky, thence north to I-20, all in Newton County.

Mississippi 890 -- U.S. 80 Connection--Frontage Road Connection at Bolton, Hinds County.

Mississippi 892 -- Mississippi 35 Spur--Begins on Mississippi 35 and extends east to Homewood, Scott County.

Mississippi 894 -- Begins on Mississippi 19 south of Philadelphia near the Neshoba County Hospital and extends in a northeasterly direction to intersect present Mississippi 482 about

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one and three-tenths miles north of its intersection with Mississippi 16.

Mississippi 895 -- Begins at road intersection with U.S. 11 and 80 near the center of Section 26, Township 7 North, Range 17 East, thence northwesterly, northeasterly and southeasterly through Sections 23, 24, 25 and 26 to intersection of U.S. 11 and U.S. 80 in the northeast quarter of the southeast quarter of Section 25, Township 7 North, Range 17 East, Lauderdale County.

Mississippi 897 -- Begins on Mississippi 496 in Section 11 and continues through Section 13, all in Township 6 North, Range 18 East, to the Mississippi-Alabama state line.

Mississippi 902 -- Mississippi 35 Connection--Begins on Mississippi 35 at Lorena and extends southwest to Mississippi 481 at Burns, all in Smith County.

Mississippi 903 -- Begins on U.S. 84 approximately three miles west of Monticello, thence runs in a northerly direction to Lake Mary Crawford, all in Lawrence County.

Mississippi 904 -- Begins at Lake Lincoln Road, Lincoln County, proceeds easterly to Mississippi 27 at or near Wanilla, Lawrence County.

Mississippi 905 -- Begins at the intersection of Adams Road with U.S. 51, thence west to Wardlaw Road, and thence continues north to Mississippi 24, all in Pike County.

Mississippi 906 -- Begins on U.S. 51 in Summit and runs in an easterly direction to intersect Mississippi 570, all in Pike County.

Mississippi 908 -- A route providing direct access from the interchange at I-55 at or near Summit to Southwest Community College, all in Pike County.

Mississippi 911 -- Begins on Mississippi 24, now Mississippi 33 in South Gloster, and extends northwest on Kahnville Road, Amite County.

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Mississippi 913 -- Spur--Begins on Mississippi 24, now Mississippi 33 in East Gloster, and extends west to Liberty Road, Amite County.

Mississippi 915 -- Mississippi 42 and Mississippi 43 Connection--Begins on Jones Street and runs between Mississippi 43 and Mississippi 42, in the Town of New Hebron, Lawrence County.

Mississippi 917 -- Mississippi 18 Loop--Begins at the intersection of Mississippi 18 at or near the Sylvarena Masonic Lodge and makes what is known as the Sylvarena Loop, coming back into Mississippi 18 at or near the residence of Will Houston, all in Smith County.

Mississippi 923 -- Mississippi 584 Spur--Begins on Mississippi 584 in the southeast corner of Amite County east of Gillsburg and extends southeast to the Louisiana-Mississippi state line.

Mississippi 927 -- Spur--Begins on Mississippi 906 east of Summit and extends north to Southwest Community College, Pike County.

Mississippi 928 -- U.S. 65 Spur--Begins on U.S. 65 in Natchez and extends north on Homochitto Street, Adams County.

Mississippi 930 and 932 -- Begin on U.S. 61 North in Adams County, in the vicinity of the weighing scales and proceed therefrom to the intersection of Melrose Avenue and East Franklin Street.

Mississippi 937 -- U.S. 84 Spur--Begins on U.S. 84 in south Prentiss and extends north on Columbia Avenue to the railroad crossing, all in Jefferson Davis County.

Mississippi 938 -- Begins at the northwest corner of new Mississippi Transportation Department District Office site and extends easterly to U.S. 51 approximately forty-five one-hundredths mile north of the north corporate limits of the City of McComb, Pike County.

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Mississippi 946 -- Mississippi 24 Spur--Begins on Mississippi 24, now Mississippi 33, Amite County, and extends northwest to Centreville, Wilkinson County.

Mississippi 952 -- Mississippi 513 Spur--Begins on Mississippi 513 and extends north to U.S. 11 in Enterprise, Clarke County.

Mississippi 967 -- U.S. 49 Spur--Begins on Mississippi 42 in north Hattiesburg and extends south on Main Street, all in Forrest County.

Mississippi 969 -- Spur--Begins on U.S. 49 approximately 2.84 miles south of U.S. 11, and extends north on Edwards Street approximately .83 miles, all in Hattiesburg, Forrest County.

Mississippi 992 -- Mississippi 43 Spur--Begins on Mississippi 43 northwest of Picayune and extends south to Picayune, Pearl River County.

SECTION 3. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

House Bill 166

Description: Interstate 55; designate certain segment of in Copiah County as the "Robert L. Johnson Memorial Highway."

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 535

History of Actions:

- 1 02/07 (H) Referred To Transportation
- 2 02/22 (H) Title Suff Do Pass
- 3 02/23 (H) Passed
- 4 02/24 (H) Transmitted To Senate
- 5 02/24 (S) Referred To Highways and Transportation
- 6 04/02 (S) Title Suff Do Pass As Amended
- 7 04/04 (S) Amended
- 8 04/04 (S) Passed As Amended
- 9 04/05 (S) Returned For Concurrence
- 10 04/10 (H) Decline to Concur/Invite Conf
- 11 04/24 (H) Conferees Named Johnson, Coleman (65th), Holloway
- 12 04/27 (S) Conferees Named Simmons (13th), Butler (38th), Moran
- 13 04/29 (S) Conference Report Filed
- 14 04/29 (H) Conference Report Filed
- 15 04/30 (H) Conference Report Adopted
- 16 05/01 (S) Conference Report Adopted
- 17 05/08 (H) Enrolled Bill Signed
- 18 05/09 (S) Enrolled Bill Signed
- 19 05/22 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 166

Conference Reports:

Conference Report

----- Additional Information -----

House Committee: Transportation

Senate Committee: Highways and Transportation

Principal Author: Holloway

Additional Authors: Weathersby, Currie, Evans (91st)

2012 GENERAL LAWS OF MISSISSIPPI, HB 166

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representatives Holloway, Weathersby,
Currie, Evans (91st)

To: Transportation

HOUSE BILL NO. 166
(As Sent to Governor)

AN ACT TO DESIGNATE A CERTAIN SEGMENT OF INTERSTATE HIGHWAY 55 IN COPIAH COUNTY AS "ROBERT L. JOHNSON BLUES MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) That segment of Interstate Highway 55 in Copiah County beginning at mile marker 59 and extending northerly to mile marker 72, is designated and shall be known as the "Robert L. Johnson Blues Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

House Bill 211

Description: Sunshine Act; create for agencies hiring attorneys.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 546

History of Actions:

- 1 02/10 (H) Referred To Judiciary A
- 2 02/13 (H) Title Suff Do Pass Comm Sub
- 3 02/13 (H) Read the Third Time
- 4 02/15 (H) Committee Substitute Adopted
- 5 02/15 (H) Point of Order Raised
- 6 02/15 (H) Point of Order-Not Well Taken
- 7 02/15 (H) Amendment Failed
- 8 02/15 (H) Previous Question
- 9 02/15 (H) Passed
- 10 02/15 (H) Motion to Reconsider Entered (Smith (39th), Baker, Reynolds, Ellis)
- 11 02/16 (H) Motion to Reconsider Tabled
- 12 02/16 (H) Transmitted To Senate
- 13 02/22 (S) Referred To Judiciary, Division A
- 14 04/03 (S) Title Suff Do Pass As Amended
- 15 04/10 (S) Amended
- 16 04/10 (S) Passed As Amended
- 17 04/11 (S) Returned For Concurrence
- 18 04/18 (H) Decline to Concur/Invite Conf
- 19 04/20 (H) Conferees Named Baker, Reynolds, Lamar
- 20 04/30 (S) Conferees Named Hopson, Fillingane, Flowers
- 21 04/30 (H) Conference Report Filed
- 22 04/30 (S) Conference Report Filed
- 23 05/01 (H) Conference Report Adopted
- 24 05/02 (S) Conference Report Adopted
- 25 05/08 (H) Enrolled Bill Signed
- 26 05/09 (S) Enrolled Bill Signed
- 27 05/22 Approved by Governor

Amendments:

- [H] Amendment No 1 (Cmte Sub) **Lost**
- [H] Amendment No 2 (Cmte Sub) **Lost**
- [H] Amendment No 3 (Cmte Sub) **Lost**
- [H] Amendment No 4 (Cmte Sub) **Lost**
- [H] Amendment No 5 (Cmte Sub) **Lost**
- [H] Amendment No 6 (Cmte Sub) **Withdrawn**

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[H] Amendment No 7 (Cmte Sub) *Lost*
[H] Amendment No 8 (Cmte Sub) *Lost*
[H] Amendment No 9 (Cmte Sub) *Lost*
[H] Amendment No 10 (Cmte Sub) *Lost*
[H] Amendment No 11 (Cmte Sub) *Lost*
[H] Amendment No 12 (Cmte Sub) *Lost*
[H] Amendment No 13 (Cmte Sub) *Lost*
[H] Amendment No 14 (Cmte Sub) *Lost*
[H] Amendment No 15 (Cmte Sub) *Lost*
[H] Amendment No 16 (Cmte Sub) *Lost*
[H] Amendment No 17 (Cmte Sub) *Lost*
[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 211

Conference Reports:

Conference Report

Code Section: A 007-0005-0001, A 007-0005-0005, A 007-0005-0007, A 007-0005-0021, A 007-0005-0039, A 027-0104-0105, A 007-0007-0225, A 017-0018-0041, A 027-0033-0049, A 027-0104-0017, A 027-0104-0019, A 029-0003-0039, A 031-0029-0023, A 041-0009-0035, A 043-0011-0027, A 043-0015-0121, A 043-0016-0021, A 043-0020-0021, A 043-0027-0014, A 049-0005-0098, A 053-0001-0047, A 057-0010-0533, A 057-0061-0035, A 057-0071-0033, A 057-0077-0039, A 059-0005-0065, A 059-0017-0057, A 065-0026-0037, A 069-0002-0033, A 069-0027-0359, A 073-0011-0049, A 073-0013-0039, A 073-0013-0095, A 073-0015-0033, A 073-0029-0039, A 073-0029-0043, A 073-0031-0025, A 073-0036-0035, A 073-0063-0025, A 075-0076-0025, A 083-0001-0005, A 097-0033-0109

----- Additional Information -----

House Committee: Judiciary A

Senate Committee: Judiciary, Division A

Principal Author: Gunn

Additional Authors: Baker, Lamar, Snowden, Rogers (61st), Upshaw, Monsour, Formby, White, Martinson, Zuber, Turner, Lott, Jennings, Woods, Hamilton, Boyd, Alday, Shirley, Crawford, Eure, DeBar, Weathersby, Barton, Rushing, Morgan, Aldridge, Carpenter, Massengill, Pigott, Haney, Mettetal, Brown (20th), Mims, Staples, Hood, Denny, Chism, Gipson, Moore, Byrd

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representatives Gunn, Baker, Lamar, Snowden, Rogers (61st), Upshaw, Monsour, Formby, White, Martinson, Zuber, Turner, Lott, Jennings, Woods, Hamilton, Boyd, Alday, Shirley, Crawford, Eure, DeBar, Weathersby, Barton, Rushing, Morgan, Aldridge, Carpenter, Massengill, Pigott, Haney, Mettetal, Brown (20th), Mims, Staples, Hood, Denny, Chism, Gipson, Moore, Byrd

To: Judiciary A

HOUSE BILL NO. 211
(As Sent to Governor)

AN ACT TO AMEND SECTION 7-5-1, MISSISSIPPI CODE OF 1972, TO CLARIFY AND REVISE THE DUTIES OF THE ATTORNEY GENERAL; TO AMEND SECTION 7-5-5, MISSISSIPPI CODE OF 1972, TO REQUIRE DETAILED TIME AND EXPENSE RECORDS TO BE MAINTAINED BY OUTSIDE COUNSEL; TO AMEND SECTION 7-5-7, MISSISSIPPI CODE OF 1972, TO PLACE CERTAIN RESTRICTIONS UPON CONTINGENT FEE CONTRACTS FOR LEGAL SERVICES WITH OUTSIDE COUNSEL; TO CREATE NEW SECTION 7-5-8, MISSISSIPPI CODE OF 1972, TO ENUMERATE RESTRICTIONS ON CONTINGENT FEE CONTRACTS; TO AMEND SECTION 7-5-21, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIREMENTS FOR THE CASE DOCKET TO BE KEPT BY THE ATTORNEY GENERAL; TO AMEND SECTION 7-5-39, MISSISSIPPI CODE OF 1972, TO REQUIRE THE ATTORNEY GENERAL TO AUTHORIZE OUTSIDE COUNSEL UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 27-104-105, MISSISSIPPI CODE OF 1972, TO CONFORM STATE AGENCY PAYMENT FOR LEGAL SERVICES TO THE TENOR OF THIS ACT; TO AMEND SECTIONS 7-7-225, 17-18-41, 27-33-49, 27-104-17, 27-104-19, 29-3-39, 31-29-23, 41-9-35, 43-11-27, 43-15-121, 43-16-21, 43-20-21, 43-27-14, 49-5-98, 53-1-47, 57-10-533, 57-61-35, 57-71-33, 57-77-39, 59-5-65, 59-17-57, 65-26-37, 69-2-33, 69-27-359, 73-11-49, 73-13-39, 73-13-95, 73-15-33, 73-29-39, 73-29-43, 73-31-25, 73-36-35, 73-63-25, 75-76-25, 83-1-5 AND 97-33-109, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 7-5-1, Mississippi Code of 1972, is amended as follows:

7-5-1. The Attorney General provided for by Section 173 of the Mississippi Constitution shall be elected at the same time and in the same manner as the Governor is elected. His term of office shall be four (4) years and his compensation shall be fixed by the Legislature. He shall be the chief legal officer and advisor for the state, both civil and criminal, and is charged with managing all litigation on behalf of the state, except as otherwise specifically provided by law. No arm or agency of the state government shall bring or defend a suit against another * * * arm or agency without prior written approval of the Attorney General.

He shall have the powers of the Attorney General at common law and, except as otherwise provided by law, is given the sole power to bring or defend a lawsuit on behalf of a state agency, the subject matter of which is of statewide interest. * * * He shall intervene and argue the constitutionality of any statute when notified of a challenge thereto, pursuant to the Mississippi Rules of Civil Procedure. His qualifications for office shall be as provided for chancery and circuit judges in Section 154 of the Mississippi Constitution.

SECTION 2. Section 7-5-5, Mississippi Code of 1972, is amended as follows:

7-5-5. (1) The Attorney General shall appoint nine (9) competent attorneys, each of whom shall be designated as an assistant attorney general. The assistants shall each possess all of the qualifications required by law of the Attorney General and shall have power and authority under the direction and supervision of the Attorney General to perform all of the duties required by law of that officer; and each shall be liable to the pains and penalties to which the Attorney General is liable. The assistants shall serve at the will and pleasure of the Attorney General, and they shall devote their entire time and attention to the duties pertaining to the department of justice as required by the general laws. The compensation of * * * all * * * assistants authorized by law shall be fixed by the Attorney General not to exceed the compensation fixed by law * * *.

(2) (a) The Attorney General shall designate three (3) of the * * * assistant attorneys general authorized under subsection (1) of this section to devote their time and attention primarily to defending and aiding in the defense in all courts of any suit, filed or threatened, against the State of Mississippi, against any subdivision thereof, or against any agency or instrumentality of the state or subdivision, including all elected officials and any other officer or employee thereof. When the circumstances permit,

the assistants may perform any of the Attorney General's powers and duties, including, but not limited to, engaging in lawsuits outside the state when in his opinion this would help bring about the equal application of federal laws and court decisions in every state and guaranteeing equal protection of the laws as guaranteed every citizen by the United States Constitution.

(b) * * * The Attorney General * * * may employ outside counsel as special assistant attorneys general * * * on a fee or contract basis; * * * the Attorney General shall be the sole judge of the compensation in such cases except as otherwise provided in Section 7-5-8.

(i) Any contract for services of outside counsel shall require current and complete written time and expense records that describe in detail the time, in increments of no greater than one tenth (1/10) of an hour, and money spent each day in performance of the contract.

(ii) On conclusion of the matter for which the outside legal services were obtained, outside counsel shall provide a complete written statement of all fees and expenses, and the final complete time and expense records.

(3) The Attorney General may discharge any assistant attorney general or special assistant attorney general at his pleasure and appoint another in his stead. The assistant attorneys general shall devote their entire time and attention to the duties pertaining to the Department of Justice under the control and supervision of the Attorney General.

SECTION 3. Section 7-5-7, Mississippi Code of 1972, is amended as follows:

7-5-7. (1) The Governor may engage outside counsel on a noncontingent fee basis to assist the Attorney General in cases to which the state is a party when, in his opinion, the interest of the state requires it, subject to the action of the Legislature in

providing compensation for such services not to exceed recognized bar rates for similar services.

(2) (a) The Attorney General is hereby authorized and empowered to appoint and employ outside counsel, on a fee or salary basis not to exceed recognized bar rates for similar services, to assist the Attorney General in the preparation for, prosecution, or defense of any litigation in the state or federal courts or before any federal commission or agency in which the state is a party or has an interest. The Attorney General may designate the outside counsel as special assistant Attorney General * * *.

(b) If the compensation agreed upon will be governed by a contingency fee contract, that contract must conform with the requirements of Section 7-5-8.

(3) The Attorney General may also employ special investigators on a per diem or salary basis, to be agreed upon at the time of employment, for the purpose of interviewing witnesses, ascertaining facts, or rendering any other services that may be needed by the Attorney General in the preparation for and prosecution of suits by or against the State of Mississippi, or in suits in which the Attorney General is participating on account of same being of statewide interest.

(4) The Attorney General may pay travel and other expenses of employees and appointees under this chapter in the same manner and amount as authorized by law for the payment of travel and expenses of state employees and officials.

(5) The compensation of appointees and employees under this chapter shall be paid out of the Attorney General's contingent fund, or out of any other funds appropriated to the Attorney General's office.

SECTION 4. The following shall be codified as Section 7-5-8, Mississippi Code of 1972:

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7-5-8. (1) Before entering into a contingency fee contract with outside counsel, the state, an arm or agency of the state, or a statewide elected officer acting in his official capacity must first make a written determination that contingency fee representation is both cost-effective and in the public interest. The required written determination shall include specific findings for each of the following factors:

(a) Whether there exist sufficient and appropriate legal and financial resources within the Attorney General's office to handle the matter.

(b) The time and labor required; the novelty, complexity, and difficulty of the questions involved; and the skill requisite to perform the attorney services properly.

(c) The geographic area where the attorney services are to be provided.

(d) The amount of experience desired for the particular kind of attorney services to be provided and the nature of the outside attorney's experience with similar issues or cases.

(2) (a) The state, an arm or agency of the state, or a statewide elected officer acting in his official capacity may not enter into a contingency fee contract that provides for the outside attorney to receive a contingency fee, exclusive of reasonable costs and expenses incurred in connection with the case, which is in excess of the following:

(i) Twenty-five percent (25%) of any recovery of up to Ten Million Dollars (\$10,000,000.00); plus

(ii) Twenty percent (20%) of any portion of such recovery between Ten Million Dollars (\$10,000,000.00) and Fifteen Million Dollars (\$15,000,000.00); plus

(iii) Fifteen percent (15%) of any portion of such recovery between Fifteen Million Dollars (\$15,000,000.00) and Twenty Million Dollars (\$20,000,000.00); plus

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(iv) Ten percent (10%) of any portion of such recovery between Twenty Million Dollars (\$20,000,000.00) and Twenty-five Million Dollars (25,000,000.00); plus

(v) Five percent (5%) of any portion of such recovery exceeding Twenty-five Million Dollars (\$25,000,000.00).

(b) Except as provided in subsection (3) of this section, a contingency fee shall not exceed an aggregate of Fifty Million Dollars (\$50,000,000.00), exclusive of reasonable costs and expenses incurred in connection with the case, and irrespective of the number of lawsuits filed or the number of attorneys retained to achieve the recovery.

(c) A contingency fee shall not be based on penalties or civil fines awarded or any amounts attributable to penalties or civil fines.

(3) The limits on fees set forth in subsection (2) of this section shall not apply if:

(a) The state, an arm or agency of the state, or a statewide elected officer acting in his official capacity makes a written determination stating the reasons why a greater fee is necessary, proper, and in the best interests of the state in a particular case; and

(b) The Outside Counsel Oversight Commission approves any terms of the contingency contract that exceed the limits set forth in subsection (2) of this section.

(4) The Outside Counsel Oversight Commission shall consist of the Governor, the Lieutenant Governor, and the Secretary of State; actions of the commission shall be taken by majority vote. Appeal from a decision of the Outside Counsel Oversight Commission shall be to any court of competent jurisdiction.

(5) (a) Copies of any executed contingency fee contract and the applicable written determination to enter into a contingency fee contract with the outside attorney shall be posted on the Attorney General's website for public inspection within five (5)

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business days after the date the contract is executed unless the state, arm or agency of the state, or statewide elected officer retaining outside counsel makes a determination, subject to the approval of the Outside Counsel Oversight Commission, that to do so would negatively affect the state's interest, and shall remain posted on the website for the duration of the contingency fee contract, including any extensions or amendments to the contract.

(b) If the determination is made and duly approved that posting the contract will negatively affect the interests of the state, the contract will be posted on the Attorney General's website within five (5) days of the occurrence of the earliest of the following:

(i) Filing of the lawsuit for which the contract was executed;

(ii) Entry of appearance for any pending matter for which the contract was executed; or

(iii) From the time the outside attorney engages in any substantive action on behalf of the state relative to the subject matter for which the contract was executed.

(c) Any payment of contingency fees shall be posted on the Attorney General's website within fifteen (15) days after the payment of the contingency fees to the outside attorney and shall remain posted on the website for at least one (1) year after the date payment is made.

(6) An outside attorney under contract to provide services to the state on a contingency fee basis shall, from the inception of the contract until not less than four (4) years after the contract expires or is terminated, maintain detailed current records, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial transactions that concern the providing of attorney services. In addition, the outside attorney shall maintain detailed contemporaneous time records for the attorneys and

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paralegals working on the matter in increments of no greater than one-tenth (1/10) of an hour, and shall promptly provide these records to the Attorney General upon request.

(7) (a) If an arm or agency of the state or a statewide elected officer contracts for outside legal counsel pursuant to Section 7-5-39(3) on a contingency fee basis, the arm or agency of the state or the statewide elected officer shall provide complete and timely information to the Office of the Attorney General as to every requirement of this section for inclusion in the report under this section. The Office of the Attorney General shall post the information as received on its website within five (5) days of receipt.

(b) The arm or agency of the state or statewide elected official responsible for retaining outside counsel shall provide complete and timely information to the Office of the Attorney General as to every requirement of Section 7-5-21 for inclusion in the docket required by that section.

SECTION 5. Section 7-5-21, Mississippi Code of 1972, is amended as follows:

7-5-21. The Attorney General shall keep a docket of all causes in which he is required to appear, whether through his office or through outside counsel, which * * * is a public record and must show the full style of the case, the cause number of the action, the county, district and court in which the causes have been instituted and tried, and whether the case is civil or criminal. If civil, the docket must show the nature of the demand, the stage of the proceedings, the name and address of any outside counsel, a description of the fee arrangement with any outside counsel, a memorandum of the judgment when prosecuted to judgment, any process issued thereon, whether satisfied or not, and if not satisfied, the return of the sheriff. If criminal, the docket must show the nature of the crime, the mode of prosecution, the stage of the proceedings, a memorandum of the sentence when

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prosecuted to a sentence, the execution thereof, if executed, and, if not executed, the reasons of delay or prevention.

SECTION 6. Section 7-5-39, Mississippi Code of 1972, is amended as follows:

7-5-39. (1) Except as otherwise provided by law, the Attorney General shall * * * represent the state, in person or by his assistant, as counsel in all suits against the state in other courts or the Supreme Court at the seat of government, and he shall, in like manner, act as counsel for any of the state officers in suits brought by or against them in their official capacity, touching any official duty or trust * * *.

(2) No civil legal action on behalf of the state, any arm or agency of the state, or any statewide elected officer acting in his official capacity may be taken until seven (7) working days' written notice of the proposed legal action is given to the statewide elected officer or proper person in charge of the arm or agency unless irreparable injury to the state would result by waiting for the expiration of the seven-day period.

(3) (a) The Attorney General shall authorize retention of independent counsel from outside his office by an arm or agency of the state or a statewide elected officer acting in his official capacity if the Attorney General declines representation when requested.

(b) (i) The Attorney General shall authorize retention of independent counsel from outside his office by an arm or agency of the state or a statewide elected officer acting in his official capacity and shall withdraw from representation of the arm or agency of the state or the statewide elected officer if there is a significant disagreement with the Attorney General as to the legal strategy to be used in the matter, and the Outside Counsel Oversight Commission has first approved the retention of outside counsel.

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(ii) If an arm or agency of the state or statewide elected officer acting in his official capacity retains outside counsel under this subsection (3), the counsel shall be selected by the arm or agency of the state or the statewide elected officer. Fees of counsel employed on a fee basis shall not exceed recognized bar rates for similar services; any contract for outside counsel employed on a contingency fee basis shall conform to the provisions of Section 7-5-8.

(4) The Attorney General may pursue the collection of any claim or judgment in favor of the state outside of the state.

SECTION 7. Section 27-104-105, Mississippi Code of 1972, is amended as follows:

27-104-105. The Department of Finance and Administration shall not process any warrant requested by any state agency for payment for legal services without first determining that the services and contract were approved either by the Attorney General and the State Personnel Board, or as authorized under Section 7-5-39(3); contracts for legal services performed for the State Highway Department in eminent domain cases shall not require approval by the State Personnel Board. The State Auditor shall test for compliance with this section.

SECTION 8. Section 7-7-225, Mississippi Code of 1972, is amended as follows:

7-7-225. The State Auditor * * *, when conducting agency audits, shall test to determine whether or not the state institutions of higher learning and any state agency which does not draw warrants on the Treasury have either received approval of the Attorney General or complied with the provisions of Section 7-5-39, with regard to any contract for legal services.

SECTION 9. Section 17-18-41, Mississippi Code of 1972, is amended as follows:

17-18-41. (1) No member, officer or employee of the department, authority or committee while acting within the scope

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of their authority shall be subject to any personal liability by reason of any act or omission in connection with the exercise of any power or performance of any duty whether expressed or implied pursuant to this chapter.

(2) Except as otherwise authorized in Section 7-5-39, the Attorney General shall be the legal representative of the authority and the committee and shall provide legal advice and counsel without cost to the authority and the committee.

SECTION 10. Section 27-33-49, Mississippi Code of 1972, is amended as follows:

27-33-49. Except as otherwise authorized in Section 7-5-39, the Attorney General of the state shall be the attorney for the commission and shall represent it in any proceedings before any court. In any hearing before the commission, where the services of an attorney are desired or needed, the Attorney General shall attend on behalf of the commission. The Attorney General shall construe any doubtful or conflicting provisions of this article, and his opinion shall be controlling on all officers.

SECTION 11. Section 27-104-17, Mississippi Code of 1972, is amended as follows:

27-104-17. (1) An allotment period shall be one-half (1/2) of twelve (12) months, and expenditure one-half (1/2) of the appropriated amount, unless otherwise specified in the appropriation bill or justified by the agency to the Department of Finance and Administration, and the first allotment period shall commence on July 1. Estimates shall be filed with the Department of Finance and Administration not later than the first day of the month preceding the beginning period.

* * * The Department of Finance and Administration may, in its discretion, restrict an agency to a monthly allotment period when it becomes evident that an agency's rate of expenditure to date indicates this restriction will be necessary to prevent depletion of its appropriation prior to the close of the fiscal

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year or when the condition of the State General Fund requires monthly monitoring and control of the rate of General Fund expenditures.

(2) * * * Unless otherwise specified in the agency appropriation bill, in the event any emergency or unforeseen circumstances shall arise, the agency head may authorize increases in major objects of expenditure within each specific budget within each appropriation bill in total amounts not to exceed ten percent (10%) of the appropriated amount of each object, provided that other major objects of expenditure are decreased by a corresponding dollar amount. Except as otherwise authorized in Section 7-5-39, no transfers shall be authorized which increase or decrease the major object of expenditure "Salaries, Wages and Fringe Benefits," or which increase the major object of expenditure "Capital Outlay - Equipment." The agency head shall submit written justification for the transfer to the Legislative Budget Office, the Department of Finance and Administration, and the State Auditor, on or before the fifteenth of the month prior to the effective date of the transfer. The transfer shall be effective the first working day of the month following timely submissions required herein. In cases of extreme hardship, certified in writing by the agency head and submitted with timely submissions required herein, the Executive Director of the Department of Finance and Administration, in his discretion, may authorize an earlier effective date for the transfer.

* * *

(3) No former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts a written report shall be submitted detailing the cost and need of such contract services to

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the Chairmen and members of the Senate and House Appropriations Committees.

SECTION 12. Section 27-104-19, Mississippi Code of 1972, is amended as follows:

27-104-19. Except as otherwise authorized in Section 7-5-39, when an operating budget has been approved, the amount approved shall be available and shall constitute the maximum of obligations or indebtedness which may be incurred by the agency for any purpose during the allotment period to be paid from such funds.

SECTION 13. Section 29-3-39, Mississippi Code of 1972, is amended as follows:

29-3-39. It shall be the duty of the board of education to survey periodically the classification of all sixteenth section land under its jurisdiction and to reclassify that land as it may deem advisable because of changes of conditions, and when any land is so reclassified, the board of education shall file a report thereof with the Secretary of State. From time to time the Secretary of State may institute proceedings to reclassify any sixteenth section lands which he may deem advisable and when any land is so reclassified, the Secretary of State shall file a report thereof with the board of education. When any land is reclassified under this section, notice thereof, rights to object thereto and rights to appeal therefrom shall be given in the same manner provided in Section 29-3-37 with reference to the original classification. * * * However, * * * all sixteenth section land shall be classified, or reclassified as is necessary, within one (1) year prior to the expiration date of any existing lease, and within sixty (60) days of the terminating of any lease of sixteenth section land by final court order. In all litigation which may result from the classification or reclassification of lands by the Secretary of State under Sections 29-3-31 through 29-3-39, the Secretary of State shall be represented by the Attorney General, who shall have control of the litigation except

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as otherwise authorized in Section 7-5-39, but it shall be the duty of the various boards of education to furnish local legal assistance when requested so to do by the Attorney General.

SECTION 14. Section 31-29-23, Mississippi Code of 1972, is amended as follows:

31-29-23. Except as otherwise authorized in Section 7-5-39, the Attorney General of the State of Mississippi shall represent the State Bond Commission in issuing, selling and validating bonds herein provided for, and the bond commission is hereby authorized and empowered to expend from the proceeds derived from the sale of the bonds authorized hereunder all necessary administrative, legal and other expenses incidental and related to the issuance of bonds authorized under this chapter.

SECTION 15. Section 41-9-35, Mississippi Code of 1972, is amended as follows:

41-9-35. Notwithstanding the existence or pursuit of any other remedy, the licensing agency, may in the manner provided by law, upon the advice of the Attorney General who, except as otherwise authorized in Section 7-5-39, shall represent the licensing agency in the proceedings, maintain an action in the name of the state for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, management or operation of a hospital without a license as provided for in Section 41-9-11.

SECTION 16. Section 43-11-27, Mississippi Code of 1972, is amended as follows:

43-11-27. Notwithstanding the existence or pursuit of any other remedy, the licensing agency may, in the manner provided by law, upon the advice of the Attorney General who, except as otherwise authorized in Section 7-5-39, shall represent the licensing agency in the proceedings, maintain an action in the name of the state for injunction or other process against any person to restrain or prevent the establishment, conduct,

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management or operation of an institution for the aged or infirm without a license under this chapter.

SECTION 17. Section 43-15-121, Mississippi Code of 1972, is amended as follows:

43-15-121. In addition to, and notwithstanding, any other remedy provided by law, the division may, in a manner provided by law and upon the advice of the Attorney General who, except as otherwise authorized in Section 7-5-39, shall represent the division in the proceedings, maintain an action in the name of the state for injunction or other process against any person or entity to restrain or prevent the establishment, management or operation of a program or facility or performance of services in violation of this article or rules of the division.

SECTION 18. Section 43-16-21, Mississippi Code of 1972, is amended as follows:

43-16-21. Notwithstanding the existence of any other remedy, the department may, in the manner provided by law, in termtime or in vacation, upon the advice of the Attorney General who, except as otherwise authorized in Section 7-5-39, shall represent the department in the proceedings, maintain an action in the name of the state for an injunction or restraining order to cease the operation of the home, and to provide for the appropriate removal of the children from the home and placement in the custody of the parents or legal guardians, the Department of Human Services, or any other appropriate entity in the discretion of the court. Such action shall be brought in the chancery court or the youth court, as appropriate, of the county in which such child residential home is located, and shall only be initiated for the following violations:

(a) Providing supervision, care, lodging or maintenance for any children in such home without filing notification in accordance with this chapter.

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(b) Failure to satisfactorily comply with local health department or State Fire Marshal inspections made pursuant to Section 43-16-15, regarding the health, nutrition, cleanliness, safety, sanitation, written records and discipline policy of such home.

(c) Suspected abuse and/or neglect of the children served by such home, as defined in Section 43-21-105 * * *.

SECTION 19. Section 43-20-21, Mississippi Code of 1972, is amended as follows:

43-20-21. Notwithstanding the existence of any other remedy, the licensing agency may, in the manner provided by law, in termtime or in vacation, upon the advice of the Attorney General who, except as otherwise authorized in Section 7-5-39, shall represent the licensing agency in the proceedings, maintain an action in the name of the state for an injunction or other proper remedy against any person to restrain or prevent the establishment, conduct, management or operation of a child care facility without license under this chapter, or otherwise in violation of this chapter.

SECTION 20. Section 43-27-14, Mississippi Code of 1972, is amended as follows:

43-27-14. The Department of Youth Services shall have the authority to accept any allotments of federal funds and commodities and shall manage and dispose of them in whatever manner may be required by federal law, and may take advantage of any federal programs, grants-in-aid, or other public or private assistance which may be offered or available which will accomplish or further the objectives of the department. Except as otherwise authorized in Section 7-5-39, the Attorney General shall be the legal representative of the department.

SECTION 21. Section 49-5-98, Mississippi Code of 1972, is amended as follows:

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49-5-98. Except as otherwise authorized in Section 7-5-39, the Attorney General of the State of Mississippi shall represent the commission in issuing, selling and validating bonds herein provided for, and the commission may expend any sum not exceeding Fifteen Thousand Dollars (\$15,000.00) from the proceeds derived from the sale of the bonds authorized hereunder to pay the cost of attorney's fees, validating, printing, and cost of delivery of bonds authorized under Sections 49-5-86 through 49-5-98.

SECTION 22. Section 53-1-47, Mississippi Code of 1972, is amended as follows:

53-1-47. (a) (i) Any person, who, for the purpose of evading the provisions of Sections 53-1-1 through 53-1-47, inclusive, or any rule, regulation or order made thereunder, shall make or cause to be made any false entry, statement of fact or omission in any report required by such sections or by any rule, regulation or order thereunder or in any account, record or memorandum kept in connection with the provisions thereof or who, for such purpose, shall mutilate, alter, conceal or falsify any such report, account, record or memorandum, shall be subject to a penalty of not more than Ten Thousand Dollars (\$10,000.00) per day for each day of such violation to be assessed by the board. In determining the amount of the penalty, the board shall consider the factors specified in subsection (d) of this section. Such penalties shall be assessed according to the procedures set forth in subsection (b) of this section.

(ii) Any person, who, for the purpose of evading the provisions of Sections 53-1-1 through 53-1-47, inclusive, or any rule, regulation or order made thereunder, shall intentionally make or cause to be made any false entry, statement of fact or omission in any report required by said sections or by any rule, regulation or order thereunder or in any account, record or memorandum kept in connection with the provisions thereof or who, for such purpose, shall mutilate, alter, conceal or falsify any

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such report, account, record or memorandum shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of competent jurisdiction, to a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or imprisonment for a term of not less than ten (10) days nor more than six (6) months for each such violation, or both such fine and imprisonment.

(b) Any person who violates any provision of Sections 53-1-1 through 53-1-47, inclusive, or Sections 53-3-1 through 53-3-33, and 53-3-39 through 53-3-165, or any lawful rule, regulation or order of the board made hereunder, shall, in addition to any penalty for such violation that is otherwise provided for herein, be subject to a penalty of not to exceed Ten Thousand Dollars (\$10,000.00) per day for each day of such violation to be assessed by the board. When any charge is filed with the board charging any person with any such violation, the board shall conduct an adjudicative proceeding in accordance with the Administrative Procedures Law. Such proceeding shall be held by not less than three (3) members of the board and a unanimous verdict of all members hearing such charge shall be necessary for conviction and in the event of a conviction all members of the board hearing such cause must agree on the penalty assessed.

Except as otherwise authorized in Section 7-5-39, the Attorney General, by his designated assistant, shall represent the board in all such proceedings. If he represents the board, the Attorney General shall also designate a member of his staff to present evidence and proof of such violation in the event such charge is contested.

All penalties assessed by the board under the provisions of this section shall have the force and effect of a judgment of the circuit court and shall be enrolled in the office of the circuit clerk and execution may be issued thereon. All such penalties

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paid or collected shall be paid to the State Treasurer for credit to the Special Oil and Gas Board Fund.

Any person adjudged guilty of any such violation shall have the right of appeal in accordance with the provisions of Section 53-1-39.

The payment of any penalty as provided herein shall not have the effect of changing illegal oil into legal oil, illegal gas into legal gas or illegal product into legal product, nor shall such payment have the effect of authorizing the sale or purchase or acquisition or the transportation, refining, processing or handling in any other way of such illegal oil, illegal gas or illegal product.

(c) Any person who aids or abets any other person in the violation of any provision of Sections 53-1-1 through 53-1-47, inclusive, or Sections 53-3-1 through 53-3-21, inclusive, or any rule, regulation or order made thereunder, shall be subject to the same penalties as are prescribed herein for the violation by such other person.

(d) In determining the amount of the penalty under subsection (a), (b) or (c) of this section, the board shall consider at a minimum the following factors:

- (i) The willfulness of the violation;
- (ii) Any damage to water, land or other natural resources of the state or their users;
- (iii) Any cost of restoration and abatement;
- (iv) Any economic benefit to the violator as a result of noncompliance;
- (v) The seriousness of the violation, including any harm to the environment and any harm to the health and safety of the public; and
- (vi) Any prior violation by such violator.

(e) The board is authorized to utilize the provisions of Section 85-7-132 to enforce penalties provided by this section.

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SECTION 23. Section 57-10-533, Mississippi Code of 1972, is amended as follows:

57-10-533. Except as otherwise authorized in Section 7-5-39, the Attorney General of the State of Mississippi shall represent the seller in issuing, selling and validating bonds or notes herein provided for, and the seller is hereby authorized and empowered to expend from the proceeds derived from the sale of the bonds or notes authorized hereunder all necessary administrative, legal and other expenses incidental and related to the issuance of bonds or notes authorized under this article.

SECTION 24. Section 57-61-35, Mississippi Code of 1972, is amended as follows:

57-61-35. Except as otherwise authorized in Section 7-5-39, the Attorney General of the State of Mississippi shall represent the seller in issuing, selling and validating bonds herein provided for, and the seller is hereby authorized and empowered to expend from the proceeds derived from the sale of the bonds authorized hereunder all necessary administrative, legal and other expenses incidental and related to the issuance of bonds authorized under this chapter.

SECTION 25. Section 57-71-33, Mississippi Code of 1972, is amended as follows:

57-71-33. Except as otherwise authorized in Section 7-5-39, the Attorney General of the State of Mississippi shall represent the seller in issuing, selling and validating bonds or notes herein provided for, and the seller is hereby authorized and empowered to expend from the proceeds derived from the sale of the bonds or notes authorized hereunder all necessary administrative, legal and other expenses incidental and related to the issuance of bonds or notes authorized under this act.

SECTION 26. Section 57-77-39, Mississippi Code of 1972, is amended as follows:

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57-77-39. Except as otherwise authorized in Section 7-5-39, the Attorney General of the State of Mississippi shall represent the seller in issuing, selling and validating bonds or notes herein provided for, and the seller is hereby authorized and empowered to expend from the proceeds derived from the sale of the bonds or notes authorized hereunder all necessary administrative, legal and other expenses incidental and related to the issuance of bonds or notes authorized under this chapter.

SECTION 27. Section 59-5-65, Mississippi Code of 1972, is amended as follows:

59-5-65. Except as otherwise authorized in Section 7-5-39, the Attorney General of the State of Mississippi shall represent the State Bond Commission in issuing, selling and validating bonds herein provided for. The State Bond Commission is hereby authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds herein provided for, and such costs may be paid for out of the proceeds derived from the sale of such bonds.

SECTION 28. Section 59-17-57, Mississippi Code of 1972, is amended as follows:

59-17-57. Except as otherwise authorized in Section 7-5-39, the Attorney General of the State of Mississippi shall represent the State Bond Commission in issuing, selling and validating bonds herein provided for, and the board is hereby authorized and empowered to expend any sum not exceeding Fifteen Thousand Dollars (\$15,000.00) from the proceeds derived from the sale of any one (1) series of bonds authorized hereunder to pay for the cost of the approving attorney's fees, validating, printing and cost of delivery of bonds authorized under this chapter.

SECTION 29. Section 65-26-37, Mississippi Code of 1972, is amended as follows:

65-26-37. Except as otherwise authorized in Section 7-5-39, the Attorney General of the State of Mississippi shall represent

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the Transportation Commission in issuing, selling and validating bonds herein provided for, and said Transportation Commission is hereby authorized and empowered to expend any sum not to exceed Forty Thousand Dollars (\$40,000.00) on approval by the State Bond Commission from the proceeds derived from the sale of bonds authorized in subsections (1) and (2) of Section 65-26-15, or from other funds available to the Transportation Commission, to pay the cost of approving attorney's fees, validating, printing and cost of delivery of bonds authorized under this chapter.

SECTION 30. Section 69-2-33, Mississippi Code of 1972, is amended as follows:

69-2-33. Except as otherwise authorized in Section 7-5-39, the Attorney General of the State of Mississippi shall represent the department in issuing, selling and validating bonds or notes authorized under Sections 69-2-19 through 69-2-39 of this chapter, and the department is authorized to pay from the proceeds derived from the sale of such bonds or notes, or from other funds available to the department, the reasonable cost of approving attorney's fees, validating, printing and cost of delivery of such bonds or notes.

SECTION 31. Section 69-27-359, Mississippi Code of 1972, is amended as follows:

69-27-359. Except as otherwise authorized in Section 7-5-39, the Attorney General of the State of Mississippi shall represent the Soil and Water Conservation Commission in issuing, selling and validating bonds authorized under Sections 69-27-345 through 69-27-365, and the commission is authorized to pay from the proceeds derived from the sale of such bonds or from other funds available to the commission, the reasonable cost of approving attorney's fees, validating, printing, cost of delivery of such bonds and any other necessary costs of issuance.

SECTION 32. Section 73-11-49, Mississippi Code of 1972, is amended as follows:

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73-11-49. (1) The board is authorized to select from its own membership a chairman, vice chairman and secretary-treasurer. Election of officers shall be held at the first regularly scheduled meeting of the fiscal year.

(2) All members of the board shall be reimbursed for their necessary traveling expenses and mileage incident to their attendance upon the business of the board, as provided in Section 25-3-41, and shall receive a per diem as provided in Section 25-3-69 for every day actually spent upon the business of the board, not to exceed twenty (20) days per year unless authorized by a majority vote of the board.

(3) All monies received by the board shall be paid into a special fund in the State Treasury to the credit of the board and shall be used by the board for paying the traveling and necessary expenses and per diem of the members of the board while on board business, and for paying other expenses necessary for the operation of the board in carrying out and involving the provisions of this chapter.

(4) The board shall employ an administrator of the board, who shall have complete supervision and be held responsible for the direction of the office of the board, shall have supervision over field inspections and enforcement of the provisions of this chapter, shall have such other duties as may be assigned by the board, shall be responsible and answerable to the board. The board may employ such other clerical assistants and employees as may be necessary to carry out the provisions of this chapter, and the terms and conditions of such employment shall be determined by the board in accordance with applicable state law and rules and regulations of the State Personnel Board.

(5) Except as otherwise authorized in Section 7-5-39, the board, when it shall deem necessary, shall be represented by an assistant attorney general duly appointed by the Attorney General of this state, and may also request and receive the assistance of

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other state agencies and county and district attorneys, all of whom are authorized to provide the assistance requested.

(6) The board shall have subpoena power in enforcing the provisions of this chapter.

(7) The board shall adopt and promulgate rules and regulations for the transaction of its business in accordance with the provisions of the Mississippi Administrative Procedures Law (Section 25-43-1 et seq.). No rule or regulation promulgated by the board affecting any person or agency outside the board shall be adopted, amended or repealed without a public hearing on the proposed action. The board shall give written notice at least thirty (30) days in advance of any meeting with respect to any proposed adoption, amendment or repeal of a rule or regulation of the board, in accordance with the Administrative Procedures Act, as well as notifying the duly elected presidents and secretaries of the Mississippi Funeral Directors Association and the Mississippi Funeral Directors and Morticians Association, or their successors.

(8) The board may designate the administrator to perform inspections under this chapter, may employ an individual to perform such inspections or may contract with any other individual or entity to perform such inspections. Any individual or entity that performs such inspections shall have the right of entry into any place in which the business or practice of funeral service and/or funeral directing is carried on or advertised as being carried on, for the purpose of inspection, for the investigation of complaints coming before the board and for such other matters as the board may direct.

(9) The board shall not adopt any rule or regulation pertaining to the transportation of dead bodies, and shall not adopt any rule or regulation requiring dead bodies to be embalmed except as required by the State Department of Health's Rule 43 or any subsequent rule adopted by the department.

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SECTION 33. Section 73-13-39, Mississippi Code of 1972, is amended as follows:

73-13-39. Any person or firm who shall practice, or offer to practice, engineering in this state without being licensed in accordance with the provisions of Sections 73-13-1 through 73-13-45, or any person presenting or attempting to use as his own the certificate of licensure or seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of licensure, or any person who shall falsely impersonate any other licensee of like or different name, or any person or firm who shall attempt to use an expired or revoked certificate of licensure, or any person or firm who shall violate any of the provisions of Sections 73-13-1 through 73-13-45, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Thousand Dollars (\$5,000.00) in addition to reimbursement of investigative expenses and court costs, or suffer imprisonment for a period not exceeding three (3) months, or both. The criminal penalties provided for in this section may be assessed in addition to those civil penalties provided for in Section 73-13-37.

Unless licensed in accordance with the provisions of Sections 73-13-1 through 73-13-45, no person shall:

(a) Directly or indirectly employ, use, cause to be used or make use of any of the following terms or any combinations, variations or abbreviations thereof as a professional, business or commercial identification, title, name, representation, claim, asset or means of advantage or benefit: "engineer," "professional engineer," "licensed engineer," "registered engineer," "registered professional engineer," "licensed professional engineer," "engineered," "engineering"; or

(b) Directly or indirectly employ, use, cause to be used or make use of any letter, abbreviation, word, symbol,

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slogan, sign or any combinations or variations thereof which in any manner whatsoever tends or is likely to create any impression with the public or any member thereof that any person is qualified or authorized to practice engineering; or

(c) Receive any fee or compensation or the promise of any fee or compensation for performing, offering or attempting to perform any service, work, act or thing which is any part of the practice of engineering.

Any person, firm, partnership, association or corporation which shall do, offer or attempt to do any one or more of the acts or things set forth in items (a) through (c) of the preceding paragraph shall be conclusively presumed and regarded as engaged in the practice of engineering.

It shall be the duty of all duly constituted officers of the law of this state, or any political subdivision thereof, to enforce the provisions of Sections 73-13-1 through 73-13-45 and to prosecute any persons violating same. Except as otherwise authorized in Section 7-5-39, the Attorney General of the state or his assistant shall act as legal advisor of the board in carrying out the provisions of Sections 73-13-1 through 73-13-45.

SECTION 34. Section 73-13-95, Mississippi Code of 1972, is amended as follows:

73-13-95. Any person who shall practice, or offer to practice, surveying in this state without being licensed in accordance with the provisions of Sections 73-13-71 through 73-13-105, or any person presenting or attempting to use as his own the certificate of licensure or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of licensure, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall knowingly attempt to use a license which has been expired for more than twelve (12) consecutive months or revoked certificate of

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licensure, or any person who shall violate any of the provisions of Sections 73-13-71 through 73-13-105, shall be guilty of a misdemeanor, and shall, upon conviction of a first offense of violating this section, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Thousand Dollars (\$5,000.00), and in addition thereto shall make restitution to the board for investigative expenses and court costs, or suffer imprisonment for a period of not exceeding three (3) months, or both. Upon any second and subsequent conviction of violating this section, such person shall be sentenced to pay a fine of not less than Five Thousand Dollars (\$5,000.00), nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the county jail for not more than one (1) year, or both. The criminal penalties provided for in this section may be assessed in addition to those civil penalties provided for in Section 73-13-37.

Unless licensed in accordance with the provisions of Sections 73-13-71 through 73-13-105, no person shall:

(a) Directly or indirectly employ, use, cause to be used or make use of any of the following terms or any combination, variations or abbreviations thereof as a professional, business or commercial identification, title, name, representation, claim, asset or means of advantage or benefit: "surveyor," "professional surveyor," "licensed surveyor," "registered surveyor," "registered professional surveyor," "licensed professional surveyor," "surveyed," "surveying," "professional land surveyor," or "licensed professional land surveyor";

(b) Directly or indirectly employ, use, cause to be used or make use of any letter, abbreviation, word, symbol, slogan, sign or any combinations or variations thereof, which in any manner whatsoever tends or is likely to create any impression with the public or any member thereof that any person is qualified or authorized to practice surveying; or

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(c) Receive any fee or compensation or the promise of any fee or compensation for performing, offering or attempting to perform any service, work, act or thing which is any part of the practice of surveying.

Any person, firm, partnership, association or corporation which shall do, offer or attempt to do any one or more of the acts or things set forth in items (a) through (c) of the preceding paragraph shall be conclusively presumed and regarded as engaged in the practice of surveying.

It shall be the duty of all duly constituted officers of the law of this state, or any political subdivision thereof, to enforce the provisions of Sections 73-13-71 through 73-13-105 and to prosecute any persons violating same. Except as otherwise authorized in Section 7-5-39, the Attorney General of the state or his assistant shall act as legal adviser of the board and render such legal assistance as may be necessary in carrying out the provisions of Sections 73-13-71 through 73-13-105.

SECTION 35. Section 73-15-33, Mississippi Code of 1972, is amended as follows:

73-15-33. It is unlawful for any person, including a corporation or association, to:

(a) Sell, fraudulently obtain or furnish any nursing diploma, license, renewal of license, or record, or to aid or abet therein;

(b) Practice nursing as defined by this article under cover of any diploma, license, renewal of license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(c) Practice or offer to practice nursing as defined by this article unless duly licensed or privileged to practice under the provisions of this article;

(d) Use any title, designation or abbreviation by which a person presents to the public that he or she is a registered

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nurse, a licensed practical nurse or any other type of nurse, unless the person is duly licensed or privileged to practice under the provisions of this article; however, this paragraph does not prohibit a certified nurse assistant or certified nursing assistant from using the word "nurse" or "nursing" as part of his or her job title;

(e) Practice as a registered nurse or a licensed practical nurse during the time his or her license or privilege to practice issued under the provisions of this article is under suspension or revocation;

(f) Conduct a nursing education program for the preparation of registered nurses, unless the program has been accredited by the Board of Trustees of State Institutions of Higher Learning, or conduct a nursing education program for the preparation of licensed practical nurses unless the program has been accredited by the Department of Education through the Division of Vocational Education;

(g) Willfully employ unlicensed persons or persons not holding the privilege to practice, to practice as registered nurses or licensed practical nurses; or

(h) Willfully aid or abet any person who violates any provisions of this article.

Any person, firm or corporation who violates any provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not less than twelve (12) months, or by both such fine and imprisonment. It shall be necessary to prove, in any prosecution under this article, only a single act prohibited by law, or a single holding out or an attempt without proving a general course of conduct in order to constitute a violation. Each violation may constitute a separate offense. Except as otherwise authorized in Section

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7-5-39, it shall be the duty of the Attorney General to advise with the board in preparing charges, to assist in conducting board disciplinary hearings, to provide assistance with appropriate affidavits and other charges for filing in the appropriate court, and to assist the county or district attorney in prosecution, if any.

SECTION 36. Section 73-29-39, Mississippi Code of 1972, is amended as follows:

73-29-39. Any person dissatisfied with the action of the board in refusing his application or suspending or revoking his license, or any other action of the board, may appeal the action of the board by filing a petition within thirty (30) days thereafter in the circuit court in the county where the person resides or in the Circuit Court of Hinds County, Mississippi, and the court is vested with jurisdiction and it shall be the duty of the court to set the matter for hearing upon ten (10) days' written notice to the board and the attorney representing the board. The court in which the petition of appeal is filed shall determine whether or not a cancellation or suspension of a license shall be abated until the hearing shall have been consummated with final judgment thereon or whether any other action of the board should be suspended pending hearing, and enter its order accordingly, which shall be operative when served upon the board, and the court shall provide the attorney representing the board with a copy of the petition and order. Except as otherwise authorized in Section 7-5-39, the board shall be represented in such appeals by the district or county attorney of the county or the Attorney General, or any of their assistants. The board shall initially determine all facts, but the court upon appeal shall set aside the determination of the board if the board's determination (1) is not based upon substantial evidence upon the entire record; (2) is arbitrary or capricious; (3) is in violation of statutory

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requirements; or (4) was made without affording to licensee or applicant due process of law.

Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section.

SECTION 37. Section 73-29-43, Mississippi Code of 1972, is amended as follows:

73-29-43. If any person violates any provisions of this chapter, the secretary shall, upon direction of a majority of the board, in the name of the State of Mississippi, through the Attorney General of the State of Mississippi, except as otherwise authorized in Section 7-5-39, apply in any chancery court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this chapter. Upon the filing of a verified petition in the court, the court, or any judge thereof, if satisfied by affidavit or otherwise that the person has violated this chapter, may issue a temporary injunction, without notice or bond, enjoining such continued violation and if it is established that the person has violated or is violating this chapter, the court, or any judge thereof, may enter a decree perpetually enjoining the violation or enforcing compliance with this chapter. In case of violation of any order or decree issued under the provisions of this section, the court, or any judge thereof, may try and punish the offender for contempt of court. Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this chapter.

SECTION 38. Section 73-31-25, Mississippi Code of 1972, is amended as follows:

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73-31-25. The board may, in the name of the people of the State of Mississippi, through the Attorney General, except as otherwise authorized in Section 7-5-39, apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act declared to be a misdemeanor by this chapter.

If it is established that the defendant has been or is committing an act declared to be a misdemeanor by this chapter, the court, or any judge thereof, shall enter a decree perpetually enjoining the defendant from further committing that act. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Those injunctive proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided for in this chapter.

SECTION 39. Section 73-36-35, Mississippi Code of 1972, is amended as follows:

73-36-35. Any person who practices or offers to practice the profession of forestry in this state without being registered in accordance with this chapter, or any person who uses in connection with his name, or otherwise assumes, uses or advertises any title or description tending to convey the impression that he is a registered forester without being registered in accordance with this chapter, or any person who presents or attempts to use as his own the license of another, or any person who gives any false or forged evidence of any kind to the board or any member in obtaining a license, or any person who attempts to use an expired or revoked license, or any person, firm, partnership or corporation who violates any of the provisions of this chapter and has not been issued an administrative fine by the board for the violation is guilty of a misdemeanor and, upon conviction, shall be fined not more than Five Thousand Dollars (\$5,000.00) for each violation. The board, or any person or persons as may be designated by the board to act in its stead, is empowered to

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prefer charges for any violations of this chapter in any court of competent jurisdiction. It shall be the duty of all duly constituted officers of the law of this state to enforce the provisions of this chapter and to prosecute any persons, firms, partnerships or corporations violating same. Except as otherwise authorized in Section 7-5-39, the Attorney General of the state or his designated assistant shall act as legal advisor of the board and render such assistance as may be necessary in carrying out the provisions of this chapter.

SECTION 40. Section 73-63-25, Mississippi Code of 1972, is amended as follows:

73-63-25. Except as otherwise authorized in Section 7-5-39, the Attorney General shall be counsel and attorney for the board and shall provide any legal services as may be requested by the board from time to time. The board * * * may retain outside counsel and investigators to provide any legal and investigative assistance as may be necessary in enforcing this chapter as authorized in House Bill No. 211, 2012 Regular Session.

SECTION 41. Section 75-76-25, Mississippi Code of 1972, is amended as follows:

75-76-25. Except as otherwise authorized in Section 7-5-39, the Attorney General and his assistants shall represent the commission and the executive director in any proceeding to which the commission or the executive director is a party under this chapter * * * and shall also advise the commission and the executive director in all other matters, including representing the commission when the commission sits in a quasi-judicial capacity.

SECTION 42. Section 83-1-5, Mississippi Code of 1972, is amended as follows:

83-1-5. The commissioner shall receive a compensation to be fixed by law. He is hereby authorized to employ a clerk and stenographer and an actuary at a salary to be fixed by law; and in

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addition shall be allowed a sufficient sum for traveling expenses and for extra clerical help.

Further, the commissioner may appoint or employ special counsel pursuant to the provisions of Section 7-5-39.

SECTION 43. Section 97-33-109, Mississippi Code of 1972, is amended as follows:

97-33-109. (1) The commission shall monitor the conduct or business of licensees, both on a routine scheduled and an unscheduled basis, to the extent necessary to ensure compliance with the provisions of charitable bingo game laws and regulations of the state.

(2) In carrying out its enforcement responsibilities, the commission may:

(a) Inspect and examine all premises in which charitable bingo games are conducted or supplies or equipment for such games are manufactured and distributed;

(b) Inspect all such supplies and equipment in, upon or about such premises;

(c) Seize and remove from such premises and impound such supplies and equipment for the purpose of examination and inspection pursuant to an appropriate court order;

(d) Demand access to and audit and inspect books and records of licensees for the purpose of determining compliance with laws and regulations relative to charitable bingo games;

(e) Conduct in-depth audits and investigations; and

(f) Mandate that internal controls be executed in accordance with the provisions of the Charitable Bingo Law and other applicable laws and regulations.

(3) The commission shall require licensees to maintain records and submit reports.

(4) In addition to license revocation or suspension or any criminal penalty imposed, the commission may assess a fine against any person who violates any law or regulation relative to

charitable bingo games. Such a fine shall only be assessed after notice and an opportunity for a hearing to be held.

(5) All departments, commissions, boards, agencies, officers and institutions of the state, and all subdivisions thereof, shall cooperate with the commission in carrying out its enforcement responsibilities.

(6) Except as otherwise authorized in Section 7-5-39, the Attorney General shall be the attorney for the commission in regard to its duties to regulate the Charitable Bingo Law and he shall represent it in all legal proceedings and shall prosecute any civil action for a violation of the provisions of Sections 97-33-51 through 97-33-203 or the rules and regulations of the commission.

(7) It is the duty of the sheriffs, deputy sheriffs and police officers of this state to assist the commission in the enforcement of the provisions of Sections 97-33-51 through 97-33-203 and to arrest and complain against any person violating the provisions of Sections 97-33-51 through 97-33-203. It is the duty of the district attorneys of this state to prosecute all violations of the provisions of Sections 97-33-51 through 97-33-203 if requested to do so by the commission.

(8) (a) Whenever any person who is a resident of the State of Mississippi has reason to believe that a person or organization is or has violated the provisions of Sections 97-33-51 through 97-33-203 and that proceedings would be in the public interest, he may bring an action in the name of the state against such person to restrain by temporary or permanent injunction such violation, upon at least five (5) days' summons before the hearing of the action. The action shall be brought in the chancery or county court of the county in which such violation has occurred or, with consent of the parties, may be brought in the chancery or county court of the county in which the State Capitol is located. The said courts are authorized to issue temporary or permanent

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injunctions to restrain and prevent violations of Sections 97-33-51 through 97-33-203, and such injunctions shall be issued without bond.

(b) Any person who violates the terms of an injunction issued under this subsection shall forfeit and pay to the state a civil penalty of not more than Five Thousand Dollars (\$5,000.00) per violation which shall be payable to the General Fund of the State of Mississippi. For the purposes of this subsection, the chancery or county court issuing an injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the person bringing the action may petition for recovery of civil penalties.

(c) In any action brought under this subsection, if the court finds that a person is willfully violating the provisions of Sections 97-33-51 through 97-33-203, the person bringing the action, upon petition to the court, may recover on behalf of the state a civil penalty of not exceeding Five Hundred Dollars (\$500.00) per violation which shall be payable to the General Fund of the State of Mississippi.

(d) No penalty authorized by this subsection shall be deemed to limit the court's powers to insure compliance with its orders, decrees and judgments, or punish for the violations thereof.

(e) For purposes of this subsection, a willful violation occurs when the party committing the violation knew or should have known that his conduct was a violation of the provisions of Sections 97-33-51 through 97-33-203.

SECTION 44. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

House Bill 421

Description: Medicaid; extend repealers on various provisions in Medicaid program.

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: ** Passage
Chapter Number: 530

History of Actions:

1 02/13 (H) Referred To Medicaid
2 03/05 (H) Title Suff Do Pass Comm Sub
3 03/13 (H) Read the Third Time
4 03/14 (H) Committee Substitute Adopted
5 03/14 (H) Amended
6 03/14 (H) Passed As Amended
7 03/14 (H) Motion to Reconsider Entered (Howell, Lane, Holland)
8 03/16 (H) Motion to Reconsider Tabled
9 03/21 (H) Transmitted To Senate
10 03/26 (S) Referred To Public Health and Welfare; Appropriations
11 03/28 (S) DR - TSDPAA: PH To AP
12 03/29 (S) Title Suff Do Pass As Amended
13 04/09 (S) Amended
14 04/09 (S) Passed As Amended
15 04/10 (S) Returned For Concurrence
16 04/13 (H) Decline to Concur/Invite Conf
17 04/20 (H) Conferees Named Howell, Barker, Zuber
18 04/24 (S) Conferees Named Kirby, Bryan, Burton
19 04/27 (H) Conference Report Filed
20 04/27 (S) Conference Report Filed
21 04/28 (H) Conference Report Adopted
22 04/28 (S) Conference Report Adopted
23 05/03 (H) Enrolled Bill Signed
24 05/03 (S) Enrolled Bill Signed
25 05/17 Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub) *Adopted*
[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 421

Conference Reports:

Conference Report

Code Section: A 043-0013-0107, A 043-0013-0117, A 043-0013-0121, A 043-0013-0145

----- Additional Information -----

House Committee: Medicaid

Senate Committee: Public Health and Welfare, Appropriations

Principal Author: Formby

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representative Formby

To: Medicaid

HOUSE BILL NO. 421
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 43-13-107 AND 43-13-117, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE STATUTES WHICH ESTABLISH THE DIVISION OF MEDICAID AND PROVIDE HEALTH CARE SERVICES COVERED UNDER THE MEDICAID PROGRAM; TO AUTHORIZE THE DIVISION TO REIMBURSE INPATIENT HOSPITAL SERVICES USING APR-DRG PAYMENT METHODOLOGY AND OUTPATIENT HOSPITAL SERVICES USING AN APC PAYMENT METHODOLOGY; TO AUTHORIZE THE DIVISION TO IMPLEMENT CERTAIN MANAGED CARE PROGRAMS AND TO INCREASE THE 15% BENEFICIARY LIMITATION ON SUCH MANAGED CARE PROGRAMS; TO AUTHORIZE THE DIVISION TO PROVIDE FOR A HIGHER REIMBURSEMENT RATE FOR SERVICES PROVIDED BY PHYSICIANS, NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS AFTER THEIR NORMAL WORKING HOURS, AS DETERMINED IN ACCORDANCE WITH REGULATIONS OF THE DIVISION; TO FREEZE NURSING FACILITY REIMBURSEMENT RATES; TO PROVIDE THAT THE TWO-DRUG LIMIT ON REIMBURSEMENT FOR SINGLE SOURCE OR INNOVATOR MULTIPLE SOURCE PRESCRIPTION DRUGS DOES NOT APPLY IF THE DRUG IS LESS EXPENSIVE THAN THE GENERIC EQUIVALENT; TO EXTEND THE DATE OF THE REPEALERS ON CERTAIN DENTAL CARE SERVICES BEING COVERED UNDER MEDICAID AND ON THE ENTIRE LIST OF COVERED MEDICAID SERVICES; TO PROVIDE FOR DIRECT APPROPRIATION OF MEDICAID FUNDS FOR MENTAL HEALTH SERVICES TO THE DIVISION; TO AUTHORIZE MEDICAID REIMBURSEMENT FOR THE OPERATION OF PPEC CENTERS; TO PROVIDE THAT CERTAIN LIMITATIONS IN THE MEDICAID PROVIDER REIMBURSEMENT RATE SECTION AND THE MEDICAID PROVIDER ASSESSMENT SECTION SHALL NOT PREVENT THE DIVISION FROM REIMBURSING PROVIDERS BASED ON A DRG OR APR-DRG OR MANAGED CARE MODEL; TO AMEND SECTION 43-13-121, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DIVISION TO COLLECT OVERPAYMENTS TO PROVIDERS PRIOR TO CONCLUSION OF APPEAL AND TO AUTHORIZE CERTAIN SERVICE CONTRACTS BY THE DIVISION; TO AMEND SECTION 43-13-145, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALERS ON THE ANNUAL ASSESSMENT ON LICENSED HOSPITALS IN MISSISSIPPI TO PROVIDE FUNDING FOR THE MEDICAID PROGRAM, ON ADMINISTRATIVE PROVISIONS RELATING TO THE HOSPITAL ASSESSMENT, AND ON THE PAYMENT OF ADDITIONAL ANNUAL MEDICARE UPPER PAYMENT LIMITS AND DISPROPORTIONATE SHARE HOSPITAL PAYMENTS TO MISSISSIPPI HOSPITALS THAT PARTICIPATE IN THE MEDICAID PROGRAM; TO CLARIFY CERTAIN DEFINITIONS REGARDING THE HOSPITAL ASSESSMENT; TO DELETE THE AUTHORITY FOR A MEDICARE PUBLISHED MARKET BASKET INFLATIONARY INDEX PAYMENT INCREASE; TO INCREASE THE ADDITIONAL UPL PAYMENT TO FREESTANDING PSYCHIATRIC HOSPITALS; TO DIRECT THE DIVISION OF MEDICAID TO DEVELOP CERTAIN REPORTS TO THE LEGISLATURE REGARDING PROVIDER REIMBURSEMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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SECTION 1. Section 43-13-107, Mississippi Code of 1972, is amended as follows:

43-13-107. (1) The Division of Medicaid is created in the Office of the Governor and established to administer this article and perform such other duties as are prescribed by law.

(2) (a) The Governor shall appoint a full-time executive director, with the advice and consent of the Senate, who shall be either (i) a physician with administrative experience in a medical care or health program, or (ii) a person holding a graduate degree in medical care administration, public health, hospital administration, or the equivalent, or (iii) a person holding a bachelor's degree in business administration or hospital administration, with at least ten (10) years' experience in management-level administration of Medicaid programs. The executive director shall be the official secretary and legal custodian of the records of the division; shall be the agent of the division for the purpose of receiving all service of process, summons and notices directed to the division; shall perform such other duties as the Governor may prescribe from time to time; and shall perform all other duties that are now or may be imposed upon him or her by law.

(b) The executive director shall serve at the will and pleasure of the Governor.

(c) The executive director shall, before entering upon the discharge of the duties of the office, take and subscribe to the oath of office prescribed by the Mississippi Constitution and shall file the same in the Office of the Secretary of State, and shall execute a bond in some surety company authorized to do business in the state in the penal sum of One Hundred Thousand Dollars (\$100,000.00), conditioned for the faithful and impartial discharge of the duties of the office. The premium on the bond shall be paid as provided by law out of funds appropriated to the Division of Medicaid for contractual services.

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(d) The executive director, with the approval of the Governor and subject to the rules and regulations of the State Personnel Board, shall employ such professional, administrative, stenographic, secretarial, clerical and technical assistance as may be necessary to perform the duties required in administering this article and fix the compensation for those persons, all in accordance with a state merit system meeting federal requirements. When the salary of the executive director is not set by law, that salary shall be set by the State Personnel Board. No employees of the Division of Medicaid shall be considered to be staff members of the immediate Office of the Governor; however, Section 25-9-107(c) (xv) shall apply to the executive director and other administrative heads of the division.

(3) (a) There is established a Medical Care Advisory Committee, which shall be the committee that is required by federal regulation to advise the Division of Medicaid about health and medical care services.

(b) The advisory committee shall consist of not less than eleven (11) members, as follows:

(i) The Governor shall appoint five (5) members, one (1) from each congressional district and one (1) from the state at large;

(ii) The Lieutenant Governor shall appoint three (3) members, one (1) from each Supreme Court district;

(iii) The Speaker of the House of Representatives shall appoint three (3) members, one (1) from each Supreme Court district.

All members appointed under this paragraph shall either be health care providers or consumers of health care services. One (1) member appointed by each of the appointing authorities shall be a board certified physician.

(c) The respective Chairmen of the House Medicaid Committee, the House Public Health and Human Services Committee,

the House Appropriations Committee, the Senate Public Health and Welfare Committee and the Senate Appropriations Committee, or their designees, two (2) members of the State Senate appointed by the Lieutenant Governor and one (1) member of the House of Representatives appointed by the Speaker of the House, shall serve as ex officio nonvoting members of the advisory committee.

(d) In addition to the committee members required by paragraph (b), the advisory committee shall consist of such other members as are necessary to meet the requirements of the federal regulation applicable to the advisory committee, who shall be appointed as provided in the federal regulation.

(e) The chairmanship of the advisory committee shall be elected by the voting members of the committee annually and shall not serve more than two (2) consecutive years as chairman.

(f) The members of the advisory committee specified in paragraph (b) shall serve for terms that are concurrent with the terms of members of the Legislature, and any member appointed under paragraph (b) may be reappointed to the advisory committee. The members of the advisory committee specified in paragraph (b) shall serve without compensation, but shall receive reimbursement to defray actual expenses incurred in the performance of committee business as authorized by law. Legislators shall receive per diem and expenses, which may be paid from the contingent expense funds of their respective houses in the same amounts as provided for committee meetings when the Legislature is not in session.

(g) The advisory committee shall meet not less than quarterly, and advisory committee members shall be furnished written notice of the meetings at least ten (10) days before the date of the meeting.

(h) The executive director shall submit to the advisory committee all amendments, modifications and changes to the state plan for the operation of the Medicaid program, for review by the

advisory committee before the amendments, modifications or changes may be implemented by the division.

(i) The advisory committee, among its duties and responsibilities, shall:

(i) Advise the division with respect to amendments, modifications and changes to the state plan for the operation of the Medicaid program;

(ii) Advise the division with respect to issues concerning receipt and disbursement of funds and eligibility for Medicaid;

(iii) Advise the division with respect to determining the quantity, quality and extent of medical care provided under this article;

(iv) Communicate the views of the medical care professions to the division and communicate the views of the division to the medical care professions;

(v) Gather information on reasons that medical care providers do not participate in the Medicaid program and changes that could be made in the program to encourage more providers to participate in the Medicaid program, and advise the division with respect to encouraging physicians and other medical care providers to participate in the Medicaid program;

(vi) Provide a written report on or before November 30 of each year to the Governor, Lieutenant Governor and Speaker of the House of Representatives.

(4) (a) There is established a Drug Use Review Board, which shall be the board that is required by federal law to:

(i) Review and initiate retrospective drug use, review including ongoing periodic examination of claims data and other records in order to identify patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care, among physicians, pharmacists and individuals receiving Medicaid benefits or associated with specific drugs or groups of drugs.

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(ii) Review and initiate ongoing interventions for physicians and pharmacists, targeted toward therapy problems or individuals identified in the course of retrospective drug use reviews.

(iii) On an ongoing basis, assess data on drug use against explicit predetermined standards using the compendia and literature set forth in federal law and regulations.

(b) The board shall consist of not less than twelve (12) members appointed by the Governor, or his designee.

(c) The board shall meet at least quarterly, and board members shall be furnished written notice of the meetings at least ten (10) days before the date of the meeting.

(d) The board meetings shall be open to the public, members of the press, legislators and consumers. Additionally, all documents provided to board members shall be available to members of the Legislature in the same manner, and shall be made available to others for a reasonable fee for copying. However, patient confidentiality and provider confidentiality shall be protected by blinding patient names and provider names with numerical or other anonymous identifiers. The board meetings shall be subject to the Open Meetings Act (Sections 25-41-1 through 25-41-17). Board meetings conducted in violation of this section shall be deemed unlawful.

(5) (a) There is established a Pharmacy and Therapeutics Committee, which shall be appointed by the Governor, or his designee.

(b) The committee shall meet at least quarterly, and committee members shall be furnished written notice of the meetings at least ten (10) days before the date of the meeting.

(c) The committee meetings shall be open to the public, members of the press, legislators and consumers. Additionally, all documents provided to committee members shall be available to members of the Legislature in the same manner, and shall be made

available to others for a reasonable fee for copying. However, patient confidentiality and provider confidentiality shall be protected by blinding patient names and provider names with numerical or other anonymous identifiers. The committee meetings shall be subject to the Open Meetings Act (Sections 25-41-1 through 25-41-17). Committee meetings conducted in violation of this section shall be deemed unlawful.

(d) After a thirty-day public notice, the executive director, or his or her designee, shall present the division's recommendation regarding prior approval for a therapeutic class of drugs to the committee. However, in circumstances where the division deems it necessary for the health and safety of Medicaid beneficiaries, the division may present to the committee its recommendations regarding a particular drug without a thirty-day public notice. In making that presentation, the division shall state to the committee the circumstances that precipitate the need for the committee to review the status of a particular drug without a thirty-day public notice. The committee may determine whether or not to review the particular drug under the circumstances stated by the division without a thirty-day public notice. If the committee determines to review the status of the particular drug, it shall make its recommendations to the division, after which the division shall file those recommendations for a thirty-day public comment under Section 25-43-7(1).

(e) Upon reviewing the information and recommendations, the committee shall forward a written recommendation approved by a majority of the committee to the executive director, or his or her designee. The decisions of the committee regarding any limitations to be imposed on any drug or its use for a specified indication shall be based on sound clinical evidence found in labeling, drug compendia, and peer reviewed clinical literature pertaining to use of the drug in the relevant population.

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(f) Upon reviewing and considering all recommendations including recommendations of the committee, comments, and data, the executive director shall make a final determination whether to require prior approval of a therapeutic class of drugs, or modify existing prior approval requirements for a therapeutic class of drugs.

(g) At least thirty (30) days before the executive director implements new or amended prior authorization decisions, written notice of the executive director's decision shall be provided to all prescribing Medicaid providers, all Medicaid enrolled pharmacies, and any other party who has requested the notification. However, notice given under Section 25-43-7(1) will substitute for and meet the requirement for notice under this subsection.

(h) Members of the committee shall dispose of matters before the committee in an unbiased and professional manner. If a matter being considered by the committee presents a real or apparent conflict of interest for any member of the committee, that member shall disclose the conflict in writing to the committee chair and recuse himself or herself from any discussions and/or actions on the matter.

(6) This section shall stand repealed on July 1, 2013.

SECTION 2. Section 43-13-117, Mississippi Code of 1972, as amended by Senate Bill No. 2700, 2012 Regular Session, is amended as follows:

43-13-117. (A) Medicaid as authorized by this article shall include payment of part or all of the costs, at the discretion of the division, with approval of the Governor, of the following types of care and services rendered to eligible applicants who have been determined to be eligible for that care and services, within the limits of state appropriations and federal matching funds:

(1) Inpatient hospital services.

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(a) The division shall allow thirty (30) days of inpatient hospital care annually for all Medicaid recipients. Medicaid recipients requiring transplants shall not have those days included in the transplant hospital stay count against the thirty-day limit for inpatient hospital care. Precertification of inpatient days must be obtained as required by the division.

(b) From and after July 1, 1994, the Executive Director of the Division of Medicaid shall amend the Mississippi Title XIX Inpatient Hospital Reimbursement Plan to remove the occupancy rate penalty from the calculation of the Medicaid Capital Cost Component utilized to determine total hospital costs allocated to the Medicaid program.

(c) Hospitals will receive an additional payment for the implantable programmable baclofen drug pump used to treat spasticity that is implanted on an inpatient basis. The payment pursuant to written invoice will be in addition to the facility's per diem reimbursement and will represent a reduction of costs on the facility's annual cost report, and shall not exceed Ten Thousand Dollars (\$10,000.00) per year per recipient.

(d) The division is authorized to implement an All-Patient Refined-Diagnosis Related Groups (APR-DRG) reimbursement methodology for inpatient hospital services.

(e) No service benefits or reimbursement limitations in this section shall apply to payments under an APR-DRG or Ambulatory Payment Classification (APC) model or a managed care program or similar model described in Section 43-13-117(H).

(2) Outpatient hospital services.

(a) Emergency services. The division shall allow six (6) medically necessary emergency room visits per beneficiary per fiscal year.

(b) Other outpatient hospital services. The division shall allow benefits for other medically necessary

outpatient hospital services (such as chemotherapy, radiation, surgery and therapy), including outpatient services in a clinic or other facility that is not located inside the hospital, but that has been designated as an outpatient facility by the hospital, and that was in operation or under construction on July 1, 2009, provided that the costs and charges associated with the operation of the hospital clinic are included in the hospital's cost report. In addition, the Medicare thirty-five-mile rule will apply to those hospital clinics not located inside the hospital that are constructed after July 1, 2009. Where the same services are reimbursed as clinic services, the division may revise the rate or methodology of outpatient reimbursement to maintain consistency, efficiency, economy and quality of care.

(c) The division is authorized to implement an Ambulatory Payment Classification (APC) methodology for outpatient hospital services.

(d) No service benefits or reimbursement limitations in this section shall apply to payments under an APR-DRG or APC model or a managed care program or similar model described in Section 43-13-117(H).

(3) Laboratory and x-ray services.

(4) Nursing facility services. The division shall not change reimbursement rates for nursing facilities from the level that rates were in effect on January 1, 2012, except that nursing facility rates will be adjusted by an add-on after trended costs are used by the division to increase the nursing facility bed assessment provided in Section 43-13-145(1).

(a) The division shall make full payment to nursing facilities for each day, not exceeding fifty-two (52) days per year, that a patient is absent from the facility on home leave. Payment may be made for the following home leave days in addition to the fifty-two-day limitation: Christmas, the day

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before Christmas, the day after Christmas, Thanksgiving, the day before Thanksgiving and the day after Thanksgiving.

(b) From and after July 1, 1997, the division shall implement the integrated case-mix payment and quality monitoring system, which includes the fair rental system for property costs and in which recapture of depreciation is eliminated. The division may reduce the payment for hospital leave and therapeutic home leave days to the lower of the case-mix category as computed for the resident on leave using the assessment being utilized for payment at that point in time, or a case-mix score of 1.000 for nursing facilities, and shall compute case-mix scores of residents so that only services provided at the nursing facility are considered in calculating a facility's per diem.

(c) From and after July 1, 1997, all state-owned nursing facilities shall be reimbursed on a full reasonable cost basis.

(d) [Deleted]

(e) The division shall develop and implement, not later than January 1, 2001, a case-mix payment add-on determined by time studies and other valid statistical data that will reimburse a nursing facility for the additional cost of caring for a resident who has a diagnosis of Alzheimer's or other related dementia and exhibits symptoms that require special care. Any such case-mix add-on payment shall be supported by a determination of additional cost. The division shall also develop and implement as part of the fair rental reimbursement system for nursing facility beds, an Alzheimer's resident bed depreciation enhanced reimbursement system that will provide an incentive to encourage nursing facilities to convert or construct beds for residents with Alzheimer's or other related dementia.

(f) The division shall develop and implement an assessment process for long-term care services. The division may

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provide the assessment and related functions directly or through contract with the area agencies on aging.

The division shall apply for necessary federal waivers to assure that additional services providing alternatives to nursing facility care are made available to applicants for nursing facility care.

(5) Periodic screening and diagnostic services for individuals under age twenty-one (21) years as are needed to identify physical and mental defects and to provide health care treatment and other measures designed to correct or ameliorate defects and physical and mental illness and conditions discovered by the screening services, regardless of whether these services are included in the state plan. The division may include in its periodic screening and diagnostic program those discretionary services authorized under the federal regulations adopted to implement Title XIX of the federal Social Security Act, as amended. The division, in obtaining physical therapy services, occupational therapy services, and services for individuals with speech, hearing and language disorders, may enter into a cooperative agreement with the State Department of Education for the provision of those services to handicapped students by public school districts using state funds that are provided from the appropriation to the Department of Education to obtain federal matching funds through the division. The division, in obtaining medical and mental health assessments, treatment, care and services for children who are in, or at risk of being put in, the custody of the Mississippi Department of Human Services may enter into a cooperative agreement with the Mississippi Department of Human Services for the provision of those services using state funds that are provided from the appropriation to the Department of Human Services to obtain federal matching funds through the division.

(6) Physician's services. The division shall allow twelve (12) physician visits annually. * * * The division may develop and implement a different reimbursement model or schedule for physician's services provided by physicians based at an academic health care center and by physicians at rural health centers that are associated with an academic health care center. From and after January 1, 2010, all fees for physicians' services that are covered only by Medicaid shall be increased to ninety percent (90%) of the rate established on January 1, 2010, and as may be adjusted each July thereafter, under Medicare. The division may provide for a reimbursement rate for physician's services of up to one hundred percent (100%) of the rate established under Medicare for physician's services that are provided after the normal working hours of the physician, as determined in accordance with regulations of the division.

(7) (a) Home health services for eligible persons, not to exceed in cost the prevailing cost of nursing facility services, not to exceed twenty-five (25) visits per year. All home health visits must be precertified as required by the division.

(b) [Repealed]

(8) Emergency medical transportation services. On January 1, 1994, emergency medical transportation services shall be reimbursed at seventy percent (70%) of the rate established under Medicare (Title XVIII of the federal Social Security Act, as amended). "Emergency medical transportation services" shall mean, but shall not be limited to, the following services by a properly permitted ambulance operated by a properly licensed provider in accordance with the Emergency Medical Services Act of 1974 (Section 41-59-1 et seq.): (i) basic life support, (ii) advanced life support, (iii) mileage, (iv) oxygen, (v) intravenous fluids, (vi) disposable supplies, (vii) similar services.

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(9) (a) Legend and other drugs as may be determined by the division.

The division shall establish a mandatory preferred drug list. Drugs not on the mandatory preferred drug list shall be made available by utilizing prior authorization procedures established by the division.

The division may seek to establish relationships with other states in order to lower acquisition costs of prescription drugs to include single source and innovator multiple source drugs or generic drugs. In addition, if allowed by federal law or regulation, the division may seek to establish relationships with and negotiate with other countries to facilitate the acquisition of prescription drugs to include single source and innovator multiple source drugs or generic drugs, if that will lower the acquisition costs of those prescription drugs.

The division shall allow for a combination of prescriptions for single source and innovator multiple source drugs and generic drugs to meet the needs of the beneficiaries, not to exceed five (5) prescriptions per month for each noninstitutionalized Medicaid beneficiary, with not more than two (2) of those prescriptions being for single source or innovator multiple source drugs unless the single source or innovator multiple source drug is less expensive than the generic equivalent.

The executive director may approve specific maintenance drugs for beneficiaries with certain medical conditions, which may be prescribed and dispensed in three-month supply increments.

Drugs prescribed for a resident of a psychiatric residential treatment facility must be provided in true unit doses when available. The division may require that drugs not covered by Medicare Part D for a resident of a long-term care facility be provided in true unit doses when available. Those drugs that were originally billed to the division but are not used by a resident in any of those facilities shall be returned to the billing

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pharmacy for credit to the division, in accordance with the guidelines of the State Board of Pharmacy and any requirements of federal law and regulation. Drugs shall be dispensed to a recipient and only one (1) dispensing fee per month may be charged. The division shall develop a methodology for reimbursing for restocked drugs, which shall include a restock fee as determined by the division not exceeding Seven Dollars and Eighty-two Cents (\$7.82).

The voluntary preferred drug list shall be expanded to function in the interim in order to have a manageable prior authorization system, thereby minimizing disruption of service to beneficiaries.

Except for those specific maintenance drugs approved by the executive director, the division shall not reimburse for any portion of a prescription that exceeds a thirty-one-day supply of the drug based on the daily dosage.

The division shall develop and implement a program of payment for additional pharmacist services, with payment to be based on demonstrated savings, but in no case shall the total payment exceed twice the amount of the dispensing fee.

All claims for drugs for dually eligible Medicare/Medicaid beneficiaries that are paid for by Medicare must be submitted to Medicare for payment before they may be processed by the division's online payment system.

The division shall develop a pharmacy policy in which drugs in tamper-resistant packaging that are prescribed for a resident of a nursing facility but are not dispensed to the resident shall be returned to the pharmacy and not billed to Medicaid, in accordance with guidelines of the State Board of Pharmacy.

The division shall develop and implement a method or methods by which the division will provide on a regular basis to Medicaid providers who are authorized to prescribe drugs, information about the costs to the Medicaid program of single source drugs and

innovator multiple source drugs, and information about other drugs that may be prescribed as alternatives to those single source drugs and innovator multiple source drugs and the costs to the Medicaid program of those alternative drugs.

Notwithstanding any law or regulation, information obtained or maintained by the division regarding the prescription drug program, including trade secrets and manufacturer or labeler pricing, is confidential and not subject to disclosure except to other state agencies.

(b) Payment by the division for covered multisource drugs shall be limited to the lower of the upper limits established and published by the Centers for Medicare and Medicaid Services (CMS) plus a dispensing fee, or the estimated acquisition cost (EAC) as determined by the division, plus a dispensing fee, or the providers' usual and customary charge to the general public.

Payment for other covered drugs, other than multisource drugs with CMS upper limits, shall not exceed the lower of the estimated acquisition cost as determined by the division, plus a dispensing fee or the providers' usual and customary charge to the general public.

Payment for nonlegend or over-the-counter drugs covered by the division shall be reimbursed at the lower of the division's estimated shelf price or the providers' usual and customary charge to the general public.

The dispensing fee for each new or refill prescription, including nonlegend or over-the-counter drugs covered by the division, shall be not less than Three Dollars and Ninety-one Cents (\$3.91), as determined by the division.

The division shall not reimburse for single source or innovator multiple source drugs if there are equally effective generic equivalents available and if the generic equivalents are the least expensive.

It is the intent of the Legislature that the pharmacists providers be reimbursed for the reasonable costs of filling and dispensing prescriptions for Medicaid beneficiaries.

(10) (a) Dental care that is an adjunct to treatment of an acute medical or surgical condition; services of oral surgeons and dentists in connection with surgery related to the jaw or any structure contiguous to the jaw or the reduction of any fracture of the jaw or any facial bone; and emergency dental extractions and treatment related thereto. On July 1, 2007, fees for dental care and surgery under authority of this paragraph (10) shall be reimbursed as provided in subparagraph (b). It is the intent of the Legislature that this rate revision for dental services will be an incentive designed to increase the number of dentists who actively provide Medicaid services. This dental services rate revision shall be known as the "James Russell Dumas Medicaid Dental Incentive Program."

The division shall annually determine the effect of this incentive by evaluating the number of dentists who are Medicaid providers, the number who and the degree to which they are actively billing Medicaid, the geographic trends of where dentists are offering what types of Medicaid services and other statistics pertinent to the goals of this legislative intent. This data shall be presented to the Chair of the Senate Public Health and Welfare Committee and the Chair of the House Medicaid Committee.

(b) The Division of Medicaid shall establish a fee schedule, to be effective from and after July 1, 2007, for dental services. The schedule shall provide for a fee for each dental service that is equal to a percentile of normal and customary private provider fees, as defined by the Ingenix Customized Fee Analyzer Report, which percentile shall be determined by the division. The schedule shall be reviewed annually by the division and dental fees shall be adjusted to reflect the percentile determined by the division.

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(c) For fiscal year 2008, the amount of state funds appropriated for reimbursement for dental care and surgery shall be increased by ten percent (10%) of the amount of state fund expenditures for that purpose for fiscal year 2007. For each of fiscal years 2009 and 2010, the amount of state funds appropriated for reimbursement for dental care and surgery shall be increased by ten percent (10%) of the amount of state fund expenditures for that purpose for the preceding fiscal year.

(d) The division shall establish an annual benefit limit of Two Thousand Five Hundred Dollars (\$2,500.00) in dental expenditures per Medicaid-eligible recipient; however, a recipient may exceed the annual limit on dental expenditures provided in this paragraph with prior approval of the division.

(e) The division shall include dental services as a necessary component of overall health services provided to children who are eligible for services.

(f) This paragraph (10) shall stand repealed on July 1, 2013.

(11) Eyeglasses for all Medicaid beneficiaries who have (a) had surgery on the eyeball or ocular muscle that results in a vision change for which eyeglasses or a change in eyeglasses is medically indicated within six (6) months of the surgery and is in accordance with policies established by the division, or (b) one (1) pair every five (5) years and in accordance with policies established by the division. In either instance, the eyeglasses must be prescribed by a physician skilled in diseases of the eye or an optometrist, whichever the beneficiary may select.

(12) Intermediate care facility services.

(a) The division shall make full payment to all intermediate care facilities for the mentally retarded for each day, not exceeding eighty-four (84) days per year, that a patient is absent from the facility on home leave. Payment may be made for the following home leave days in addition to the

eighty-four-day limitation: Christmas, the day before Christmas, the day after Christmas, Thanksgiving, the day before Thanksgiving and the day after Thanksgiving.

(b) All state-owned intermediate care facilities for the mentally retarded shall be reimbursed on a full reasonable cost basis.

(13) Family planning services, including drugs, supplies and devices, when those services are under the supervision of a physician or nurse practitioner.

(14) Clinic services. Such diagnostic, preventive, therapeutic, rehabilitative or palliative services furnished to an outpatient by or under the supervision of a physician or dentist in a facility that is not a part of a hospital but that is organized and operated to provide medical care to outpatients. Clinic services shall include any services reimbursed as outpatient hospital services that may be rendered in such a facility, including those that become so after July 1, 1991. On July 1, 1999, all fees for physicians' services reimbursed under authority of this paragraph (14) shall be reimbursed at ninety percent (90%) of the rate established on January 1, 1999, and as may be adjusted each July thereafter, under Medicare (Title XVIII of the federal Social Security Act, as amended). The division may develop and implement a different reimbursement model or schedule for physician's services provided by physicians based at an academic health care center and by physicians at rural health centers that are associated with an academic health care center. The division may provide for a reimbursement rate for physician's clinic services of up to one hundred percent (100%) of the rate established under Medicare for physician's services that are provided after the normal working hours of the physician, as determined in accordance with regulations of the division.

(15) Home- and community-based services for the elderly and disabled, as provided under Title XIX of the federal Social

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Security Act, as amended, under waivers, subject to the availability of funds specifically appropriated for that purpose by the Legislature.

(16) Mental health services. Approved therapeutic and case management services (a) provided by an approved regional mental health/intellectual disability center established under Sections 41-19-31 through 41-19-39, or by another community mental health service provider meeting the requirements of the Department of Mental Health to be an approved mental health/intellectual disability center if determined necessary by the Department of Mental Health, using state funds that are provided in the appropriation to the division * * * to match federal funds * * *, or (b) provided by a facility that is certified by the State Department of Mental Health to provide therapeutic and case management services, to be reimbursed on a fee for service basis, or (c) provided in the community by a facility or program operated by the Department of Mental Health. Any such services provided by a facility described in subparagraph (b) must have the prior approval of the division to be reimbursable under this section. After June 30, 1997, mental health services provided by regional mental health/intellectual disability centers established under Sections 41-19-31 through 41-19-39, or by hospitals as defined in Section 41-9-3(a) and/or their subsidiaries and divisions, or by psychiatric residential treatment facilities as defined in Section 43-11-1, or by another community mental health service provider meeting the requirements of the Department of Mental Health to be an approved mental health/intellectual disability center if determined necessary by the Department of Mental Health, shall not be included in or provided under any capitated managed care pilot program provided for under paragraph (24) of this section.

(17) Durable medical equipment services and medical supplies. Precertification of durable medical equipment and medical supplies must be obtained as required by the division.

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The Division of Medicaid may require durable medical equipment providers to obtain a surety bond in the amount and to the specifications as established by the Balanced Budget Act of 1997.

(18) (a) Notwithstanding any other provision of this section to the contrary, as provided in the Medicaid state plan amendment or amendments as defined in Section 43-13-145(10), the division shall make additional reimbursement to hospitals that serve a disproportionate share of low-income patients and that meet the federal requirements for those payments as provided in Section 1923 of the federal Social Security Act and any applicable regulations. It is the intent of the Legislature that the division shall draw down all available federal funds allotted to the state for disproportionate share hospitals. However, from and after January 1, 1999, public hospitals participating in the Medicaid disproportionate share program may be required to participate in an intergovernmental transfer program as provided in Section 1903 of the federal Social Security Act and any applicable regulations.

(b) The division shall establish a Medicare Upper Payment Limits Program, as defined in Section 1902(a)(30) of the federal Social Security Act and any applicable federal regulations, for hospitals, and may establish a Medicare Upper Payment Limits Program for nursing facilities. The division shall assess each hospital and, if the program is established for nursing facilities, shall assess each nursing facility, for the sole purpose of financing the state portion of the Medicare Upper Payment Limits Program. The hospital assessment shall be as provided in Section 43-13-145(4)(a) and the nursing facility assessment, if established, shall be based on Medicaid utilization or other appropriate method consistent with federal regulations. The assessment will remain in effect as long as the state participates in the Medicare Upper Payment Limits Program. As provided in the Medicaid state plan amendment or amendments as

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defined in Section 43-13-145(10), the division shall make additional reimbursement to hospitals and, if the program is established for nursing facilities, shall make additional reimbursement to nursing facilities, for the Medicare Upper Payment Limits, as defined in Section 1902(a)(30) of the federal Social Security Act and any applicable federal regulations.

(19) (a) Perinatal risk management services. The division shall promulgate regulations to be effective from and after October 1, 1988, to establish a comprehensive perinatal system for risk assessment of all pregnant and infant Medicaid recipients and for management, education and follow-up for those who are determined to be at risk. Services to be performed include case management, nutrition assessment/counseling, psychosocial assessment/counseling and health education.

(b) Early intervention system services. The division shall cooperate with the State Department of Health, acting as lead agency, in the development and implementation of a statewide system of delivery of early intervention services, under Part C of the Individuals with Disabilities Education Act (IDEA). The State Department of Health shall certify annually in writing to the executive director of the division the dollar amount of state early intervention funds available that will be utilized as a certified match for Medicaid matching funds. Those funds then shall be used to provide expanded targeted case management services for Medicaid eligible children with special needs who are eligible for the state's early intervention system. Qualifications for persons providing service coordination shall be determined by the State Department of Health and the Division of Medicaid.

(20) Home- and community-based services for physically disabled approved services as allowed by a waiver from the United States Department of Health and Human Services for home- and community-based services for physically disabled people using

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state funds that are provided from the appropriation to the State Department of Rehabilitation Services and used to match federal funds under a cooperative agreement between the division and the department, provided that funds for these services are specifically appropriated to the Department of Rehabilitation Services.

(21) Nurse practitioner services. Services furnished by a registered nurse who is licensed and certified by the Mississippi Board of Nursing as a nurse practitioner, including, but not limited to, nurse anesthetists, nurse midwives, family nurse practitioners, family planning nurse practitioners, pediatric nurse practitioners, obstetrics-gynecology nurse practitioners and neonatal nurse practitioners, under regulations adopted by the division. Reimbursement for those services shall not exceed ninety percent (90%) of the reimbursement rate for comparable services rendered by a physician. The division may provide for a reimbursement rate for nurse practitioner services of up to one hundred percent (100%) of the reimbursement rate for comparable services rendered by a physician for nurse practitioner services that are provided after the normal working hours of the nurse practitioner, as determined in accordance with regulations of the division.

(22) Ambulatory services delivered in federally qualified health centers, rural health centers and clinics of the local health departments of the State Department of Health for individuals eligible for Medicaid under this article based on reasonable costs as determined by the division.

(23) Inpatient psychiatric services. Inpatient psychiatric services to be determined by the division for recipients under age twenty-one (21) that are provided under the direction of a physician in an inpatient program in a licensed acute care psychiatric facility or in a licensed psychiatric residential treatment facility, before the recipient reaches age

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twenty-one (21) or, if the recipient was receiving the services immediately before he or she reached age twenty-one (21), before the earlier of the date he or she no longer requires the services or the date he or she reaches age twenty-two (22), as provided by federal regulations. Precertification of inpatient days and residential treatment days must be obtained as required by the division. From and after July 1, 2009, all state-owned and state-operated facilities that provide inpatient psychiatric services to persons under age twenty-one (21) who are eligible for Medicaid reimbursement shall be reimbursed for those services on a full reasonable cost basis.

(24) [Deleted]

(25) [Deleted]

(26) Hospice care. As used in this paragraph, the term "hospice care" means a coordinated program of active professional medical attention within the home and outpatient and inpatient care that treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social and economic stresses that are experienced during the final stages of illness and during dying and bereavement and meets the Medicare requirements for participation as a hospice as provided in federal regulations.

(27) Group health plan premiums and cost sharing if it is cost-effective as defined by the United States Secretary of Health and Human Services.

(28) Other health insurance premiums that are cost-effective as defined by the United States Secretary of Health and Human Services. Medicare eligible must have Medicare Part B before other insurance premiums can be paid.

(29) The Division of Medicaid may apply for a waiver from the United States Department of Health and Human Services for

home- and community-based services for developmentally disabled people using state funds that are provided from the appropriation to the State Department of Mental Health and/or funds transferred to the department by a political subdivision or instrumentality of the state and used to match federal funds under a cooperative agreement between the division and the department, provided that funds for these services are specifically appropriated to the Department of Mental Health and/or transferred to the department by a political subdivision or instrumentality of the state.

(30) Pediatric skilled nursing services for eligible persons under twenty-one (21) years of age.

(31) Targeted case management services for children with special needs, under waivers from the United States Department of Health and Human Services, using state funds that are provided from the appropriation to the Mississippi Department of Human Services and used to match federal funds under a cooperative agreement between the division and the department.

(32) Care and services provided in Christian Science Sanatoria listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., rendered in connection with treatment by prayer or spiritual means to the extent that those services are subject to reimbursement under Section 1903 of the federal Social Security Act.

(33) Podiatrist services.

(34) Assisted living services as provided through home- and community-based services under Title XIX of the federal Social Security Act, as amended, subject to the availability of funds specifically appropriated for that purpose by the Legislature.

(35) Services and activities authorized in Sections 43-27-101 and 43-27-103, using state funds that are provided from the appropriation to the Mississippi Department of Human Services

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and used to match federal funds under a cooperative agreement between the division and the department.

(36) Nonemergency transportation services for Medicaid-eligible persons, to be provided by the Division of Medicaid. The division may contract with additional entities to administer nonemergency transportation services as it deems necessary. All providers shall have a valid driver's license, vehicle inspection sticker, valid vehicle license tags and a standard liability insurance policy covering the vehicle. The division may pay providers a flat fee based on mileage tiers, or in the alternative, may reimburse on actual miles traveled. The division may apply to the Center for Medicare and Medicaid Services (CMS) for a waiver to draw federal matching funds for nonemergency transportation services as a covered service instead of an administrative cost. The PEER Committee shall conduct a performance evaluation of the nonemergency transportation program to evaluate the administration of the program and the providers of transportation services to determine the most cost-effective ways of providing nonemergency transportation services to the patients served under the program. The performance evaluation shall be completed and provided to the members of the Senate Public Health and Welfare Committee and the House Medicaid Committee not later than January 15, 2008.

(37) [Deleted]

(38) Chiropractic services. A chiropractor's manual manipulation of the spine to correct a subluxation, if x-ray demonstrates that a subluxation exists and if the subluxation has resulted in a neuromusculoskeletal condition for which manipulation is appropriate treatment, and related spinal x-rays performed to document these conditions. Reimbursement for chiropractic services shall not exceed Seven Hundred Dollars (\$700.00) per year per beneficiary.

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(39) Dually eligible Medicare/Medicaid beneficiaries. The division shall pay the Medicare deductible and coinsurance amounts for services available under Medicare, as determined by the division. From and after July 1, 2009, the division shall reimburse crossover claims for inpatient hospital services and crossover claims covered under Medicare Part B in the same manner that was in effect on January 1, 2008, unless specifically authorized by the Legislature to change this method.

(40) [Deleted]

(41) Services provided by the State Department of Rehabilitation Services for the care and rehabilitation of persons with spinal cord injuries or traumatic brain injuries, as allowed under waivers from the United States Department of Health and Human Services, using up to seventy-five percent (75%) of the funds that are appropriated to the Department of Rehabilitation Services from the Spinal Cord and Head Injury Trust Fund established under Section 37-33-261 and used to match federal funds under a cooperative agreement between the division and the department.

(42) Notwithstanding any other provision in this article to the contrary, the division may develop a population health management program for women and children health services through the age of one (1) year. This program is primarily for obstetrical care associated with low birth weight and preterm babies. The division may apply to the federal Centers for Medicare and Medicaid Services (CMS) for a Section 1115 waiver or any other waivers that may enhance the program. In order to effect cost savings, the division may develop a revised payment methodology that may include at-risk capitated payments, and may require member participation in accordance with the terms and conditions of an approved federal waiver.

(43) The division shall provide reimbursement, according to a payment schedule developed by the division, for

smoking cessation medications for pregnant women during their pregnancy and other Medicaid-eligible women who are of child-bearing age.

(44) Nursing facility services for the severely disabled.

(a) Severe disabilities include, but are not limited to, spinal cord injuries, closed head injuries and ventilator dependent patients.

(b) Those services must be provided in a long-term care nursing facility dedicated to the care and treatment of persons with severe disabilities * * *.

(45) Physician assistant services. Services furnished by a physician assistant who is licensed by the State Board of Medical Licensure and is practicing with physician supervision under regulations adopted by the board, under regulations adopted by the division. Reimbursement for those services shall not exceed ninety percent (90%) of the reimbursement rate for comparable services rendered by a physician. The division may provide for a reimbursement rate for physician assistant services of up to one hundred percent (100%) or the reimbursement rate for comparable services rendered by a physician for physician assistant services that are provided after the normal working hours of the physician assistant, as determined in accordance with regulations of the division.

(46) The division shall make application to the federal Centers for Medicare and Medicaid Services (CMS) for a waiver to develop and provide services for children with serious emotional disturbances as defined in Section 43-14-1(1), which may include home- and community-based services, case management services or managed care services through mental health providers certified by the Department of Mental Health. The division may implement and provide services under this waived program only if funds for these services are specifically appropriated for this purpose by

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the Legislature, or if funds are voluntarily provided by affected agencies.

(47) (a) Notwithstanding any other provision in this article to the contrary, the division may develop and implement disease management programs for individuals with high-cost chronic diseases and conditions, including the use of grants, waivers, demonstrations or other projects as necessary.

(b) Participation in any disease management program implemented under this paragraph (47) is optional with the individual. An individual must affirmatively elect to participate in the disease management program in order to participate, and may elect to discontinue participation in the program at any time.

(48) Pediatric long-term acute care hospital services.

(a) Pediatric long-term acute care hospital services means services provided to eligible persons under twenty-one (21) years of age by a freestanding Medicare-certified hospital that has an average length of inpatient stay greater than twenty-five (25) days and that is primarily engaged in providing chronic or long-term medical care to persons under twenty-one (21) years of age.

(b) The services under this paragraph (48) shall be reimbursed as a separate category of hospital services.

(49) The division shall establish copayments and/or coinsurance for all Medicaid services for which copayments and/or coinsurance are allowable under federal law or regulation, and shall set the amount of the copayment and/or coinsurance for each of those services at the maximum amount allowable under federal law or regulation.

(50) Services provided by the State Department of Rehabilitation Services for the care and rehabilitation of persons who are deaf and blind, as allowed under waivers from the United States Department of Health and Human Services to provide home- and community-based services using state funds that are provided

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from the appropriation to the State Department of Rehabilitation Services or if funds are voluntarily provided by another agency.

(51) Upon determination of Medicaid eligibility and in association with annual redetermination of Medicaid eligibility, beneficiaries shall be encouraged to undertake a physical examination that will establish a base-line level of health and identification of a usual and customary source of care (a medical home) to aid utilization of disease management tools. This physical examination and utilization of these disease management tools shall be consistent with current United States Preventive Services Task Force or other recognized authority recommendations.

For persons who are determined ineligible for Medicaid, the division will provide information and direction for accessing medical care and services in the area of their residence.

(52) Notwithstanding any provisions of this article, the division may pay enhanced reimbursement fees related to trauma care, as determined by the division in conjunction with the State Department of Health, using funds appropriated to the State Department of Health for trauma care and services and used to match federal funds under a cooperative agreement between the division and the State Department of Health. The division, in conjunction with the State Department of Health, may use grants, waivers, demonstrations, or other projects as necessary in the development and implementation of this reimbursement program.

(53) Targeted case management services for high-cost beneficiaries shall be developed by the division for all services under this section.

(54) Adult foster care services pilot program. Social and protective services on a pilot program basis in an approved foster care facility for vulnerable adults who would otherwise need care in a long-term care facility, to be implemented in an area of the state with the greatest need for such program, under the Medicaid Waivers for the Elderly and Disabled program or an

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assisted living waiver. The division may use grants, waivers, demonstrations or other projects as necessary in the development and implementation of this adult foster care services pilot program.

(55) Therapy services. The plan of care for therapy services may be developed to cover a period of treatment for up to six (6) months, but in no event shall the plan of care exceed a six-month period of treatment. The projected period of treatment must be indicated on the initial plan of care and must be updated with each subsequent revised plan of care. Based on medical necessity, the division shall approve certification periods for less than or up to six (6) months, but in no event shall the certification period exceed the period of treatment indicated on the plan of care. The appeal process for any reduction in therapy services shall be consistent with the appeal process in federal regulations.

(56) Prescribed pediatric extended care centers services for medically dependent or technologically dependent children with complex medical conditions that require continual care as prescribed by the child's attending physician, as determined by the division.

(B) Notwithstanding any other provision of this article to the contrary, the division shall reduce the rate of reimbursement to providers for any service provided under this section by five percent (5%) of the allowed amount for that service. However, the reduction in the reimbursement rates required by this subsection (B) shall not apply to inpatient hospital services, nursing facility services, intermediate care facility services, psychiatric residential treatment facility services, pharmacy services provided under subsection (A) (9) of this section, or any service provided by the University of Mississippi Medical Center or a state agency, a state facility or a public agency that either provides its own state match through intergovernmental transfer or

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certification of funds to the division, or a service for which the federal government sets the reimbursement methodology and rate. From and after January 1, 2010, the reduction in the reimbursement rates required by this subsection (B) shall not apply to physicians' services. In addition, the reduction in the reimbursement rates required by this subsection (B) shall not apply to case management services and home-delivered meals provided under the home- and community-based services program for the elderly and disabled by a planning and development district (PDD). Planning and development districts participating in the home- and community-based services program for the elderly and disabled as case management providers shall be reimbursed for case management services at the maximum rate approved by the Centers for Medicare and Medicaid Services (CMS).

(C) The division may pay to those providers who participate in and accept patient referrals from the division's emergency room redirection program a percentage, as determined by the division, of savings achieved according to the performance measures and reduction of costs required of that program. Federally qualified health centers may participate in the emergency room redirection program, and the division may pay those centers a percentage of any savings to the Medicaid program achieved by the centers' accepting patient referrals through the program, as provided in this subsection (C).

(D) Notwithstanding any provision of this article, except as authorized in the following subsection and in Section 43-13-139, neither (a) the limitations on quantity or frequency of use of or the fees or charges for any of the care or services available to recipients under this section, nor (b) the payments, payment methodology as provided below in this subsection (D), or rates of reimbursement to providers rendering care or services authorized under this section to recipients, may be increased, decreased or otherwise changed from the levels in effect on July 1, 1999,

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unless they are authorized by an amendment to this section by the Legislature. However, the restriction in this subsection shall not prevent the division from changing the payments, payment methodology as provided below in this subsection (D), or rates of reimbursement to providers without an amendment to this section whenever those changes are required by federal law or regulation, or whenever those changes are necessary to correct administrative errors or omissions in calculating those payments or rates of reimbursement. The prohibition on any changes in payment methodology provided in this subsection (D) shall apply only to payment methodologies used for determining the rates of reimbursement for inpatient hospital services, outpatient hospital services, nursing facility services, and/or pharmacy services, except as required by federal law, and the federally mandated rebasing of rates as required by the Centers for Medicare and Medicaid Services (CMS) shall not be considered payment methodology for purposes of this subsection (D). No service benefits or reimbursement limitations in this section shall apply to payments under an APR-DRG or APC model or a managed care program or similar model described in Section 43-13-117(H).

(E) Notwithstanding any provision of this article, no new groups or categories of recipients and new types of care and services may be added without enabling legislation from the Mississippi Legislature, except that the division may authorize those changes without enabling legislation when the addition of recipients or services is ordered by a court of proper authority.

(F) The executive director shall keep the Governor advised on a timely basis of the funds available for expenditure and the projected expenditures. If current or projected expenditures of the division are reasonably anticipated to exceed the amount of funds appropriated to the division for any fiscal year, the Governor, after consultation with the executive director, shall discontinue any or all of the payment of the types of care and

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services as provided in this section that are deemed to be optional services under Title XIX of the federal Social Security Act, as amended, and when necessary, shall institute any other cost containment measures on any program or programs authorized under the article to the extent allowed under the federal law governing that program or programs. However, the Governor shall not be authorized to discontinue or eliminate any service under this section that is mandatory under federal law, or to discontinue or eliminate, or adjust income limits or resource limits for, any eligibility category or group under Section 43-13-115. * * * Beginning in fiscal year 2010 and in fiscal years thereafter, when Medicaid expenditures are projected to exceed funds available for any quarter in the fiscal year, the division shall submit the expected shortfall information to the PEER Committee, which shall review the computations of the division and report its findings to the Legislative Budget Office within thirty (30) days of such notification by the division, and not later than January 7 in any year. If expenditure reductions or cost containments are implemented, the Governor may implement a maximum amount of state share expenditure reductions to providers, of which hospitals will be responsible for twenty-five percent (25%) of provider reductions as follows: in fiscal year 2010, the maximum amount shall be Twenty-four Million Dollars (\$24,000,000.00); in fiscal year 2011, the maximum amount shall be Thirty-two Million Dollars (\$32,000,000.00); and in fiscal year 2012 and thereafter, the maximum amount shall be Forty Million Dollars (\$40,000,000.00). However, instead of implementing cuts, the hospital share shall be in the form of an additional assessment not to exceed Ten Million Dollars (\$10,000,000.00) as provided in Section 43-13-145(4)(a)(ii). If Medicaid expenditures are projected to exceed the amount of funds appropriated to the division in any fiscal year in excess of the expenditure reductions to providers, then funds shall be transferred by the

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State Fiscal Officer from the Health Care Trust Fund into the Health Care Expendable Fund and to the Governor's Office, Division of Medicaid, from the Health Care Expendable Fund, in the amount and at such time as requested by the Governor to reconcile the deficit. If the cost containment measures described above have been implemented and there are insufficient funds in the Health Care Trust Fund to reconcile any remaining deficit in any fiscal year, the Governor shall institute any other additional cost containment measures on any program or programs authorized under this article to the extent allowed under federal law. Hospitals shall be responsible for twenty-five percent (25%) of any additional imposed provider cuts. However, instead of implementing hospital expenditure reductions, the hospital reductions shall be in the form of an additional assessment not to exceed twenty-five percent (25%) of provider expenditure reductions as provided in Section 43-13-145(4)(a)(ii). It is the intent of the Legislature that the expenditures of the division during any fiscal year shall not exceed the amounts appropriated to the division for that fiscal year.

(G) Notwithstanding any other provision of this article, it shall be the duty of each nursing facility, intermediate care facility for the mentally retarded, psychiatric residential treatment facility, and nursing facility for the severely disabled that is participating in the Medicaid program to keep and maintain books, documents and other records as prescribed by the Division of Medicaid in substantiation of its cost reports for a period of three (3) years after the date of submission to the Division of Medicaid of an original cost report, or three (3) years after the date of submission to the Division of Medicaid of an amended cost report.

(H) (1) Notwithstanding any other provision of this article, the division is authorized to implement (a) a managed care program, (b) a coordinated care program, (c) a coordinated

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care organization program, (d) a health maintenance organization program, (e) a patient-centered medical home program, (f) an accountable care organization program, or (g) any combination of the above programs. * * * Managed care programs, coordinated care programs, coordinated care organization programs, health maintenance organization programs, patient-centered medical home programs, accountable care organization programs, or any combination of the above programs or other similar programs implemented by the division under this section shall be limited to a maximum of forty-five percent (45%) of all Medicaid beneficiaries, and the division is authorized to enroll categories of beneficiaries in such program(s) as long as the forty-five percent (45%) limitation is not exceeded in the aggregate * * *. As a condition for the approval of any program under this paragraph (H) (1), the division shall require that no program may:

(a) Pay providers at a rate that is less than the Medicaid All-Patient Refined-Diagnosis Related Groups (APR-DRG) reimbursement rate;

(b) Override the medical decisions of hospital physicians or staff regarding patients admitted to a hospital. This restriction (b) does not prohibit prior authorization for nonemergency hospital visitation;

(c) Result in any reduction in Medicare Upper Payment Limits (UPL) payments to hospital providers in the aggregate because of the program;

(d) Pay providers at a rate that is less than the normal Medicaid reimbursement rate;

(e) Implement a prior authorization program for prescription drugs that is more stringent than the prior authorization processes used by the division in its administration of the Medicaid program;

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(f) Implement a policy that does not comply with the prescription drugs payment requirements established in Section 43-13-117(9);

(g) Implement a preferred drug list that is more stringent than the mandatory preferred drug list established by the division under Section 43-13-117(9);

(h) Implement a policy which denies beneficiaries with hemophilia access to the federally funded hemophilia treatment centers as part of the Medicaid Managed Care network of providers.

* * *

(2) All health maintenance organizations, coordinated care organizations or other organizations paid for services on a capitated basis by the division under any managed care program or coordinated care program implemented by the division under this section shall reimburse all providers in those organizations at rates no lower than those provided under this section for beneficiaries who are not participating in those programs.

(3) No health maintenance organization, coordinated care organization or other organization paid for services on a capitated basis by the division under any managed care program or coordinated care program implemented by the division under this section shall require its providers or beneficiaries to use any pharmacy that ships, mails or delivers prescription drugs or legend drugs or devices.

* * *

(I) [Deleted]

(J) There shall be no cuts in inpatient and outpatient hospital payments, or allowable days or volumes, as long as the hospital assessment provided in Section 43-13-145 is in effect. This paragraph (J) shall not apply to decreases in payments that are a result of: reduced hospital admissions, audits or payments

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under the APR-DRG or APC models, or a managed care program or similar model described in Section 43-13-117(G).

(K) This section shall stand repealed on July 1, 2013.

SECTION 3. Section 43-13-121, Mississippi Code of 1972, is amended as follows:

43-13-121. (1) The division shall administer the Medicaid program under the provisions of this article, and may do the following:

(a) Adopt and promulgate reasonable rules, regulations and standards, with approval of the Governor, and in accordance with the Administrative Procedures Law, Section 25-43-1 et seq.:

(i) Establishing methods and procedures as may be necessary for the proper and efficient administration of this article;

(ii) Providing Medicaid to all qualified recipients under the provisions of this article as the division may determine and within the limits of appropriated funds;

(iii) Establishing reasonable fees, charges and rates for medical services and drugs; in doing so, the division shall fix all of those fees, charges and rates at the minimum levels absolutely necessary to provide the medical assistance authorized by this article, and shall not change any of those fees, charges or rates except as may be authorized in Section 43-13-117;

(iv) Providing for fair and impartial hearings;

(v) Providing safeguards for preserving the confidentiality of records; and

(vi) For detecting and processing fraudulent practices and abuses of the program;

(b) Receive and expend state, federal and other funds in accordance with court judgments or settlements and agreements between the State of Mississippi and the federal government, the rules and regulations promulgated by the division, with the

approval of the Governor, and within the limitations and restrictions of this article and within the limits of funds available for that purpose;

(c) Subject to the limits imposed by this article, to submit a Medicaid plan to the United States Department of Health and Human Services for approval under the provisions of the federal Social Security Act, to act for the state in making negotiations relative to the submission and approval of that plan, to make such arrangements, not inconsistent with the law, as may be required by or under federal law to obtain and retain that approval and to secure for the state the benefits of the provisions of that law.

No agreements, specifically including the general plan for the operation of the Medicaid program in this state, shall be made by and between the division and the United States Department of Health and Human Services unless the Attorney General of the State of Mississippi has reviewed the agreements, specifically including the operational plan, and has certified in writing to the Governor and to the executive director of the division that the agreements, including the plan of operation, have been drawn strictly in accordance with the terms and requirements of this article;

(d) In accordance with the purposes and intent of this article and in compliance with its provisions, provide for aged persons otherwise eligible for the benefits provided under Title XVIII of the federal Social Security Act by expenditure of funds available for those purposes;

(e) To make reports to the United States Department of Health and Human Services as from time to time may be required by that federal department and to the Mississippi Legislature as provided in this section;

(f) Define and determine the scope, duration and amount of Medicaid that may be provided in accordance with this article and establish priorities therefor in conformity with this article;

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(g) Cooperate and contract with other state agencies for the purpose of coordinating Medicaid provided under this article and eliminating duplication and inefficiency in the Medicaid program;

(h) Adopt and use an official seal of the division;

(i) Sue in its own name on behalf of the State of Mississippi and employ legal counsel on a contingency basis with the approval of the Attorney General;

(j) To recover any and all payments incorrectly made by the division to a recipient or provider from the recipient or provider receiving the payments. The division shall be authorized to collect any overpayments to providers thirty (30) days after the conclusion of any administrative appeal unless the matter is appealed to a court of proper jurisdiction and bond is posted. To recover those payments, the division may use the following methods, in addition to any other methods available to the division:

(i) The division shall report to the Department of Revenue the name of any current or former Medicaid recipient who has received medical services rendered during a period of established Medicaid ineligibility and who has not reimbursed the division for the related medical service payment(s). The Department of Revenue shall withhold from the state tax refund of the individual, and pay to the division, the amount of the payment(s) for medical services rendered to the ineligible individual that have not been reimbursed to the division for the related medical service payment(s).

(ii) The division shall report to the Department of Revenue the name of any Medicaid provider to whom payments were incorrectly made that the division has not been able to recover by other methods available to the division. The Department of Revenue shall withhold from the state tax refund of the provider, and pay to the division, the amount of the payments that were

incorrectly made to the provider that have not been recovered by other available methods;

(k) To recover any and all payments by the division fraudulently obtained by a recipient or provider. Additionally, if recovery of any payments fraudulently obtained by a recipient or provider is made in any court, then, upon motion of the Governor, the judge of the court may award twice the payments recovered as damages;

(l) Have full, complete and plenary power and authority to conduct such investigations as it may deem necessary and requisite of alleged or suspected violations or abuses of the provisions of this article or of the regulations adopted under this article, including, but not limited to, fraudulent or unlawful act or deed by applicants for Medicaid or other benefits, or payments made to any person, firm or corporation under the terms, conditions and authority of this article, to suspend or disqualify any provider of services, applicant or recipient for gross abuse, fraudulent or unlawful acts for such periods, including permanently, and under such conditions as the division deems proper and just, including the imposition of a legal rate of interest on the amount improperly or incorrectly paid. Recipients who are found to have misused or abused Medicaid benefits may be locked into one (1) physician and/or one (1) pharmacy of the recipient's choice for a reasonable amount of time in order to educate and promote appropriate use of medical services, in accordance with federal regulations. If an administrative hearing becomes necessary, the division may, if the provider does not succeed in his or her defense, tax the costs of the administrative hearing, including the costs of the court reporter or stenographer and transcript, to the provider. The convictions of a recipient or a provider in a state or federal court for abuse, fraudulent or unlawful acts under this chapter shall constitute an automatic

disqualification of the recipient or automatic disqualification of the provider from participation under the Medicaid program.

A conviction, for the purposes of this chapter, shall include a judgment entered on a plea of nolo contendere or a nonadjudicated guilty plea and shall have the same force as a judgment entered pursuant to a guilty plea or a conviction following trial. A certified copy of the judgment of the court of competent jurisdiction of the conviction shall constitute prima facie evidence of the conviction for disqualification purposes;

(m) Establish and provide such methods of administration as may be necessary for the proper and efficient operation of the Medicaid program, fully utilizing computer equipment as may be necessary to oversee and control all current expenditures for purposes of this article, and to closely monitor and supervise all recipient payments and vendors rendering services under this article. Notwithstanding any other provision of state law, the division is authorized to enter into a ten-year contract(s) with a vendor(s) to provide services described in this paragraph (m);

(n) To cooperate and contract with the federal government for the purpose of providing Medicaid to Vietnamese and Cambodian refugees, under the provisions of Public Law 94-23 and Public Law 94-24, including any amendments to those laws, only to the extent that the Medicaid assistance and the administrative cost related thereto are one hundred percent (100%) reimbursable by the federal government. For the purposes of Section 43-13-117, persons receiving Medicaid under Public Law 94-23 and Public Law 94-24, including any amendments to those laws, shall not be considered a new group or category of recipient; and

(o) The division shall impose penalties upon Medicaid only, Title XIX participating long-term care facilities found to be in noncompliance with division and certification standards in accordance with federal and state regulations, including interest

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at the same rate calculated by the United States Department of Health and Human Services and/or the Centers for Medicare and Medicaid Services (CMS) under federal regulations.

(2) The division also shall exercise such additional powers and perform such other duties as may be conferred upon the division by act of the Legislature.

(3) The division, and the State Department of Health as the agency for licensure of health care facilities and certification and inspection for the Medicaid and/or Medicare programs, shall contract for or otherwise provide for the consolidation of on-site inspections of health care facilities that are necessitated by the respective programs and functions of the division and the department.

(4) The division and its hearing officers shall have power to preserve and enforce order during hearings; to issue subpoenas for, to administer oaths to and to compel the attendance and testimony of witnesses, or the production of books, papers, documents and other evidence, or the taking of depositions before any designated individual competent to administer oaths; to examine witnesses; and to do all things conformable to law that may be necessary to enable them effectively to discharge the duties of their office. In compelling the attendance and testimony of witnesses, or the production of books, papers, documents and other evidence, or the taking of depositions, as authorized by this section, the division or its hearing officers may designate an individual employed by the division or some other suitable person to execute and return that process, whose action in executing and returning that process shall be as lawful as if done by the sheriff or some other proper officer authorized to execute and return process in the county where the witness may reside. In carrying out the investigatory powers under the provisions of this article, the executive director or other designated person or persons may examine, obtain, copy or

reproduce the books, papers, documents, medical charts, prescriptions and other records relating to medical care and services furnished by the provider to a recipient or designated recipients of Medicaid services under investigation. In the absence of the voluntary submission of the books, papers, documents, medical charts, prescriptions and other records, the Governor, the executive director, or other designated person may issue and serve subpoenas instantly upon the provider, his or her agent, servant or employee for the production of the books, papers, documents, medical charts, prescriptions or other records during an audit or investigation of the provider. If any provider or his or her agent, servant or employee refuses to produce the records after being duly subpoenaed, the executive director may certify those facts and institute contempt proceedings in the manner, time and place as authorized by law for administrative proceedings. As an additional remedy, the division may recover all amounts paid to the provider covering the period of the audit or investigation, inclusive of a legal rate of interest and a reasonable attorney's fee and costs of court if suit becomes necessary. Division staff shall have immediate access to the provider's physical location, facilities, records, documents, books, and any other records relating to medical care and services rendered to recipients during regular business hours.

(5) If any person in proceedings before the division disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the hearing, or neglects to produce, after having been ordered to do so, any pertinent book, paper or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take the oath as a witness, or after having taken the oath refuses to be examined according to law, the executive director shall certify the facts to any court having jurisdiction in the place in which it is sitting, and the court shall thereupon, in a summary manner,

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hear the evidence as to the acts complained of, and if the evidence so warrants, punish that person in the same manner and to the same extent as for a contempt committed before the court, or commit that person upon the same condition as if the doing of the forbidden act had occurred with reference to the process of, or in the presence of, the court.

(6) In suspending or terminating any provider from participation in the Medicaid program, the division shall preclude the provider from submitting claims for payment, either personally or through any clinic, group, corporation or other association to the division or its fiscal agents for any services or supplies provided under the Medicaid program except for those services or supplies provided before the suspension or termination. No clinic, group, corporation or other association that is a provider of services shall submit claims for payment to the division or its fiscal agents for any services or supplies provided by a person within that organization who has been suspended or terminated from participation in the Medicaid program except for those services or supplies provided before the suspension or termination. When this provision is violated by a provider of services that is a clinic, group, corporation or other association, the division may suspend or terminate that organization from participation. Suspension may be applied by the division to all known affiliates of a provider, provided that each decision to include an affiliate is made on a case-by-case basis after giving due regard to all relevant facts and circumstances. The violation, failure or inadequacy of performance may be imputed to a person with whom the provider is affiliated where that conduct was accomplished within the course of his or her official duty or was effectuated by him or her with the knowledge or approval of that person.

(7) The division may deny or revoke enrollment in the Medicaid program to a provider if any of the following are found to be applicable to the provider, his or her agent, a managing

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employee or any person having an ownership interest equal to five percent (5%) or greater in the provider:

(a) Failure to truthfully or fully disclose any and all information required, or the concealment of any and all information required, on a claim, a provider application or a provider agreement, or the making of a false or misleading statement to the division relative to the Medicaid program.

(b) Previous or current exclusion, suspension, termination from or the involuntary withdrawing from participation in the Medicaid program, any other state's Medicaid program, Medicare or any other public or private health or health insurance program. If the division ascertains that a provider has been convicted of a felony under federal or state law for an offense that the division determines is detrimental to the best interest of the program or of Medicaid beneficiaries, the division may refuse to enter into an agreement with that provider, or may terminate or refuse to renew an existing agreement.

(c) Conviction under federal or state law of a criminal offense relating to the delivery of any goods, services or supplies, including the performance of management or administrative services relating to the delivery of the goods, services or supplies, under the Medicaid program, any other state's Medicaid program, Medicare or any other public or private health or health insurance program.

(d) Conviction under federal or state law of a criminal offense relating to the neglect or abuse of a patient in connection with the delivery of any goods, services or supplies.

(e) Conviction under federal or state law of a criminal offense relating to the unlawful manufacture, distribution, prescription or dispensing of a controlled substance.

(f) Conviction under federal or state law of a criminal offense relating to fraud, theft, embezzlement, breach of fiduciary responsibility or other financial misconduct.

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(g) Conviction under federal or state law of a criminal offense punishable by imprisonment of a year or more that involves moral turpitude, or acts against the elderly, children or infirm.

(h) Conviction under federal or state law of a criminal offense in connection with the interference or obstruction of any investigation into any criminal offense listed in paragraphs (c) through (i) of this subsection.

(i) Sanction for a violation of federal or state laws or rules relative to the Medicaid program, any other state's Medicaid program, Medicare or any other public health care or health insurance program.

(j) Revocation of license or certification.

(k) Failure to pay recovery properly assessed or pursuant to an approved repayment schedule under the Medicaid program.

(l) Failure to meet any condition of enrollment.

SECTION 4. Section 43-13-145, Mississippi Code of 1972, is amended as follows:

43-13-145. (1) (a) Upon each nursing facility licensed by the State of Mississippi, there is levied an assessment in an amount set by the division, equal to the maximum rate allowed by federal law or regulation, for each licensed and occupied bed of the facility.

(b) A nursing facility is exempt from the assessment levied under this subsection if the facility is operated under the direction and control of:

(i) The United States Veterans Administration or other agency or department of the United States government;

(ii) The State Veterans Affairs Board; or

(iii) The University of Mississippi Medical Center.

(2) (a) Upon each intermediate care facility for the mentally retarded licensed by the State of Mississippi, there is

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levied an assessment in an amount set by the division, equal to the maximum rate allowed by federal law or regulation, for each licensed and occupied bed of the facility.

(b) An intermediate care facility for the mentally retarded is exempt from the assessment levied under this subsection if the facility is operated under the direction and control of:

- (i) The United States Veterans Administration or other agency or department of the United States government;
- (ii) The State Veterans Affairs Board; or
- (iii) The University of Mississippi Medical Center.

(3) (a) Upon each psychiatric residential treatment facility licensed by the State of Mississippi, there is levied an assessment in an amount set by the division, equal to the maximum rate allowed by federal law or regulation, for each licensed and occupied bed of the facility.

(b) A psychiatric residential treatment facility is exempt from the assessment levied under this subsection if the facility is operated under the direction and control of:

- (i) The United States Veterans Administration or other agency or department of the United States government;
 - (ii) The University of Mississippi Medical Center;
- or

(iii) A state agency or a state facility that either provides its own state match through intergovernmental transfer or certification of funds to the division.

(4) Hospital assessment.

(a) (i) Subject to and upon fulfillment of the requirements and conditions of paragraph (f) below, and notwithstanding any other provisions of this section, effective for state fiscal year 2013 * * *, an annual assessment on each hospital licensed in the state is imposed on each non-Medicare

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hospital inpatient day as defined below at a rate that is determined by dividing the sum prescribed in this subparagraph (i), plus the nonfederal share necessary to maximize the Disproportionate Share Hospital (DSH) and inpatient Medicare Upper Payment Limits (UPL) payments, by the total number of non-Medicare hospital inpatient days as defined below for all licensed Mississippi hospitals, except as provided in paragraph (d) below. If the state matching funds percentage for the Mississippi Medicaid program is sixteen percent (16%) or less, the sum used in the formula under this subparagraph (i) shall be Seventy-four Million Dollars (\$74,000,000.00). If the state matching funds percentage for the Mississippi Medicaid program is twenty-four percent (24%) or higher, the sum used in the formula under this subparagraph (i) shall be One Hundred Four Million Dollars (\$104,000,000.00). If the state matching funds percentage for the Mississippi Medicaid program is between sixteen percent (16%) and twenty-four percent (24%), the sum used in the formula under this subparagraph (i) shall be a pro rata amount determined as follows: the current state matching funds percentage rate minus sixteen percent (16%) divided by eight percent (8%) multiplied by Thirty Million Dollars (\$30,000,000.00) and add that amount to Seventy-four Million Dollars (\$74,000,000.00). However, no assessment in a quarter under this subparagraph (i) may exceed the assessment in the previous quarter by more than Three Million Seven Hundred Fifty Thousand Dollars (\$3,750,000.00) (which would be Fifteen Million Dollars (\$15,000,000.00) on an annualized basis). The division shall publish the state matching funds percentage rate applicable to the Mississippi Medicaid program on the tenth day of the first month of each quarter and the assessment determined under the formula prescribed above shall be applicable in the quarter following any adjustment in that state matching funds percentage rate. The division shall notify each hospital licensed in the state as to any projected increases or

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decreases in the assessment determined under this subparagraph (i). However, if the Centers for Medicare and Medicaid Services (CMS) does not approve the provision in Section 43-13-117(39) requiring the division to reimburse crossover claims for inpatient hospital services and crossover claims covered under Medicare Part B for dually eligible beneficiaries in the same manner that was in effect on January 1, 2008, the sum that otherwise would have been used in the formula under this subparagraph (i) shall be reduced by Seven Million Dollars (\$7,000,000.00).

(ii) In addition to the assessment provided under subparagraph (i), effective for state fiscal year 2013 * * *, an additional annual assessment on each hospital licensed in the state is imposed on each non-Medicare hospital inpatient day as defined below at a rate that is determined by dividing twenty-five percent (25%) of any provider reductions in the Medicaid program as authorized in Section 43-13-117(F) for that fiscal year up to the following maximum amount, plus the nonfederal share necessary to maximize the Disproportionate Share Hospital (DSH) and inpatient Medicare Upper Payment Limits (UPL) payments, by the total number of non-Medicare hospital inpatient days as defined below for all licensed Mississippi hospitals: in fiscal year 2010, the maximum amount shall be Twenty-four Million Dollars (\$24,000,000.00); in fiscal year 2011, the maximum amount shall be Thirty-two Million Dollars (\$32,000,000.00); and in fiscal year 2012 and thereafter, the maximum amount shall be Forty Million Dollars (\$40,000,000.00). Any such deficit in the Medicaid program shall be reviewed by the PEER Committee as provided in Section 43-13-117(F).

(iii) In addition to the assessments provided in subparagraphs (i) and (ii), effective for state fiscal year 2013 * * *, an additional annual assessment on each hospital licensed in the state is imposed pursuant to the provisions of Section 43-13-117(F) if the cost containment measures described

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therein have been implemented and there are insufficient funds in the Health Care Trust Fund to reconcile any remaining deficit in any fiscal year. If the Governor institutes any other additional cost containment measures on any program or programs authorized under the Medicaid program pursuant to Section 43-13-117(F), hospitals shall be responsible for twenty-five percent (25%) of any such additional imposed provider cuts, which shall be in the form of an additional assessment not to exceed the twenty-five percent (25%) of provider expenditure reductions. Such additional assessment shall be imposed on each non-Medicare hospital inpatient day in the same manner as assessments are imposed under subparagraphs (i) and (ii).

(b) Payment and definitions.

(i) Payment. Upon approval of the State Plan Amendment for the division's DSH and inpatient UPL payment methodology by CMS, the assessment shall be paid in three (3) installments due no later than ten (10) days before the payment of the DSH and UPL payments required by Section 43-13-117(A) (18), which shall be paid during the second, third and fourth quarters of the state fiscal year.

(ii) Definitions. For purposes of this subsection (4):

1. "Non-Medicare hospital inpatient day" means total hospital inpatient days including subcomponent days less Medicare inpatient days including subcomponent days from the hospital's 2010 Medicare cost report on file with CMS * * *.

a. Total hospital inpatient days shall be the sum of Worksheet S-3, Part 1, column 6 row 12, column 6 row 14.00, and column 6 row 14.01, excluding column 6 rows 3 and 4.

b. Hospital Medicare inpatient days shall be the sum of Worksheet S-3, Part 1, column 4 row 12, column 4 row 14.00, and column 4 row 14.01, excluding column 4 rows 3 and 4.

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c. Inpatient days shall not include residential treatment or long-term care days.

2. "Subcomponent inpatient day" means the number of days of care charged to a beneficiary for inpatient hospital rehabilitation and psychiatric care services in units of full days. A day begins at midnight and ends twenty-four (24) hours later. A part of a day, including the day of admission and day on which a patient returns from leave of absence, counts as a full day. However, the day of discharge, death, or a day on which a patient begins a leave of absence is not counted as a day unless discharge or death occur on the day of admission. If admission and discharge or death occur on the same day, the day is considered a day of admission and counts as one (1) subcomponent inpatient day.

(c) The assessment provided in this subsection is intended to satisfy and not be in addition to the assessment and intergovernmental transfers provided in Section 43-13-117(A) (18). Nothing in this section shall be construed to authorize any state agency, division or department, or county, municipality or other local governmental unit to license for revenue, levy or impose any other tax, fee or assessment upon hospitals in this state not authorized by a specific statute.

(d) Hospitals operated by the United States Department of Veterans Affairs and state-operated facilities that provide only inpatient and outpatient psychiatric services shall not be subject to the hospital assessment provided in this subsection.

(e) Multihospital systems, closure, merger and new hospitals.

(i) If a hospital conducts, operates or maintains more than one (1) hospital licensed by the State Department of Health, the provider shall pay the hospital assessment for each hospital separately.

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(ii) Notwithstanding any other provision in this section, if a hospital subject to this assessment operates or conducts business only for a portion of a fiscal year, the assessment for the state fiscal year shall be adjusted by multiplying the assessment by a fraction, the numerator of which is the number of days in the year during which the hospital operates, and the denominator of which is three hundred sixty-five (365). Immediately upon ceasing to operate, the hospital shall pay the assessment for the year as so adjusted (to the extent not previously paid).

(f) Applicability.

The hospital assessment imposed by this subsection shall not take effect and/or shall cease to be imposed if:

(i) The assessment is determined to be an impermissible tax under Title XIX of the Social Security Act; or,

(ii) CMS revokes its approval of the division's 2009 Medicaid State Plan Amendment for the methodology for DSH and inpatient UPL payments to hospitals under Section 43-13-117(A) (18).

This subsection (4) is repealed on July 1, 2013.

(5) Each health care facility that is subject to the provisions of this section shall keep and preserve such suitable books and records as may be necessary to determine the amount of assessment for which it is liable under this section. The books and records shall be kept and preserved for a period of not less than five (5) years, during which time those books and records shall be open for examination during business hours by the division, the Department of Revenue, the Office of the Attorney General and the State Department of Health.

(6) Except as provided in subsection (4) of this section, the assessment levied under this section shall be collected by the division each month beginning on March 31, 2005.

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(7) All assessments collected under this section shall be deposited in the Medical Care Fund created by Section 43-13-143.

(8) The assessment levied under this section shall be in addition to any other assessments, taxes or fees levied by law, and the assessment shall constitute a debt due the State of Mississippi from the time the assessment is due until it is paid.

(9) (a) If a health care facility that is liable for payment of an assessment levied by the division does not pay the assessment when it is due, the division shall give written notice to the health care facility by certified or registered mail demanding payment of the assessment within ten (10) days from the date of delivery of the notice. If the health care facility fails or refuses to pay the assessment after receiving the notice and demand from the division, the division shall withhold from any Medicaid reimbursement payments that are due to the health care facility the amount of the unpaid assessment and a penalty of ten percent (10%) of the amount of the assessment, plus the legal rate of interest until the assessment is paid in full. If the health care facility does not participate in the Medicaid program, the division shall turn over to the Office of the Attorney General the collection of the unpaid assessment by civil action. In any such civil action, the Office of the Attorney General shall collect the amount of the unpaid assessment and a penalty of ten percent (10%) of the amount of the assessment, plus the legal rate of interest until the assessment is paid in full.

(b) As an additional or alternative method for collecting unpaid assessments levied by the division, if a health care facility fails or refuses to pay the assessment after receiving notice and demand from the division, the division may file a notice of a tax lien with the chancery clerk of the county in which the health care facility is located, for the amount of the unpaid assessment and a penalty of ten percent (10%) of the amount of the assessment, plus the legal rate of interest until

the assessment is paid in full. Immediately upon receipt of notice of the tax lien for the assessment, the chancery clerk shall forward the notice to the circuit clerk who shall enter the notice of the tax lien as a judgment upon the judgment roll and show in the appropriate columns the name of the health care facility as judgment debtor, the name of the division as judgment creditor, the amount of the unpaid assessment, and the date and time of enrollment. The judgment shall be valid as against mortgagees, pledgees, entrusters, purchasers, judgment creditors and other persons from the time of filing with the clerk. The amount of the judgment shall be a debt due the State of Mississippi and remain a lien upon the tangible property of the health care facility until the judgment is satisfied. The judgment shall be the equivalent of any enrolled judgment of a court of record and shall serve as authority for the issuance of writs of execution, writs of attachment or other remedial writs.

(10) As soon as possible after July 1, 2009, the Division of Medicaid shall submit to the Centers for Medicare and Medicaid Services (CMS) a state plan amendment or amendments (SPA) regarding the hospital assessment established under subsection (4) of this section. * * * In addition to defining the assessment established in subsection (4) of this section, the state plan amendment or amendments shall include any amendments necessary to * * * provide for the following additional annual Medicare Upper Payment Limits (UPL) and Disproportionate Share Hospital (DSH) payments to hospitals located in Mississippi that participate in the Medicaid program:

(a) Privately operated and nonstate government operated general acute care hospitals, within the meaning of 42 CFR Section 447.272, that have fifty (50) or fewer licensed beds as of January 1, 2009, shall receive an additional inpatient UPL payment equal to sixty-five percent (65%) of their fiscal year 2012 hospital

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specific inpatient UPL gap, before any payments under this subsection.

(b) General acute care hospitals licensed within the class of state hospitals shall receive an additional inpatient UPL payment equal to twenty-eight percent (28%) of their fiscal year 2007 inpatient payments, excluding DSH and UPL payments.

(c) General acute care hospitals licensed within the class of nonstate government hospitals shall receive * * * an additional inpatient UPL payment determined by multiplying inpatient payments, excluding DSH and UPL, by the uniform percentage necessary to exhaust the maximum amount of inpatient UPL payments permissible under federal regulations. (For state fiscal year 2013, the state shall use 2010 inpatient payment data * * *).

(d) Free-standing psychiatric hospitals shall receive an additional inpatient UPL payment equal to Eight Hundred Fifty Dollars (\$850.00) * * *, less the hospital's fiscal year 2010 average Medicaid inpatient per diem rate, multiplied by the hospital's fiscal year 2010 Medicaid inpatient days. Residential treatment days and payments shall be excluded from this calculation. * * * Nothing in this paragraph shall prevent the division from reimbursing private free-standing psychiatric hospitals based upon a DRG or APR-DRG based reimbursement methodology.

(e) If for any reason the 2009 Medicaid state plan amendment or amendments are not approved by CMS, not implemented, discontinued, or otherwise not in effect, the following reimbursement methodology for inpatient psychiatric services shall immediately become effective:

(i) If the services are provided by a nonpublic licensed acute care psychiatric facility, the services shall be reimbursed by the division using the prospective payment system used by CMS to reimburse inpatient psychiatric services, as set

forth in Part 412, Subpart N of Title 42 of the Code of Federal Regulations.

(ii) If the services are provided by a nonpublic hospital (as defined in Section 41-9-3(a)) that has fifty (50) or more licensed psychiatric beds, the division shall allow the hospital to elect whether to be reimbursed for these services using the prospective payment system used by CMS to reimburse psychiatric services, as set forth in Part 412, Subpart N of Title 42 of the Code of Federal Regulations. If a hospital included in this subparagraph (ii) does not provide an affirmative election to the division, the division shall continue to reimburse the hospital under the principles outlined in Section 43-13-117.

(iii) If the services are provided by a provider other than those specified in subparagraphs (i) and (ii) of this paragraph, the division shall continue to reimburse the provider under the principles outlined in Section 43-13-117.

(f) In addition to other payments provided above, all hospitals licensed within the class of private hospitals, other than free-standing psychiatric hospitals, shall receive * * * an additional inpatient UPL payment determined by multiplying inpatient payments, excluding DSH and UPL, by the uniform percentage necessary to exhaust the maximum amount of UPL inpatient payments permissible under federal regulations. * * * For state fiscal year 2013, the state shall use 2010 data.

(g) All hospitals satisfying the minimum federal DSH eligibility requirements (Section 1923(d) of the Social Security Act) shall, subject to OBRA 1993 payment limitations, receive an additional DSH payment. This additional DSH payment shall expend the balance of the federal DSH allotment and associated state share not utilized in DSH payments to state-owned institutions for treatment of mental diseases. The payment to each hospital shall be calculated by applying a uniform percentage to the uninsured costs of each eligible hospital, excluding state-owned

institutions for treatment of mental diseases; however, that percentage for a state-owned teaching hospital located in Hinds County shall be multiplied by a factor of two (2).

* * *

(11) The hospital assessment provided in subsection (4) of this section shall not be in effect or implemented until the SPA is approved by CMS.

(12) The division shall implement DSH and UPL calculation methodologies that result in the maximization of available federal funds.

(13) The DSH and inpatient UPL payments shall be paid on or before December 31, March 31, and June 30 of each fiscal year, in increments of one-third (1/3) of the total calculated DSH and inpatient UPL amounts.

(14) The hospital assessment as described in subsection (4) above shall be assessed and collected quarterly a maximum of ten (10) days before making the DSH and inpatient UPL payments; provided, however, that the first quarterly payment shall be assessed but not be collected until collection is made for the second quarterly payment.

* * *

(15) If for any reason any part of the plan for additional annual DSH and inpatient UPL payments to hospitals provided under subsection (10) of this section is not approved by CMS, the remainder of the plan shall remain in full force and effect.

(16) Nothing in this section shall prevent the Division of Medicaid from facilitating participation in Medicaid supplemental hospital payment programs by a hospital located in a county contiguous to the State of Mississippi that is also authorized by federal law to submit intergovernmental transfers (IGTs) to the State of Mississippi to fund the state share of the hospital's supplemental payments.

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(17) Subsections (10) through (16) of this section shall stand repealed on July 1, 2013.

SECTION 5. (1) The Division of Medicaid shall develop proposals for the following:

(a) The division shall develop a plan for the APR-DRG reimbursement methodology which increases such payments in order to reduce or eliminate Medicare Upper Payment Limits (UPL) program payments;

(b) The division shall develop a plan to replace the existing hospital assessment provided in Section 43-13-145 with other possible revenue systems, including the possibility of a net inpatient revenue assessment;

(c) The division shall develop a plan providing revisions to the current reimbursement methodology for prescription drugs.

(d) The division shall develop a plan providing revisions to the current reimbursement methodology for nursing facility services.

(2) The division shall not implement these plans, but shall submit the plans to the Public Health and Welfare Committee of the Senate and the Medicaid Committee of the House no later than October 15, 2012, including necessary legislative recommendations.

SECTION 6. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2012 Regular Session**

House Bill 621

Description: Columbia Training School; authorize DFA to convey and transfer certain portion of to certain entities for specified uses.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 553

History of Actions:

1	02/17	(H)	Referred To Public Property
2	03/06	(H)	Title Suff Do Pass Comm Sub
3	03/13	(H)	Read the Third Time
4	03/15	(H)	Committee Substitute Adopted
5	03/15	(H)	Passed
6	03/19	(H)	Transmitted To Senate
7	03/20	(S)	Referred To Public Property
8	03/29	(S)	Title Suff Do Pass As Amended
9	04/04	(S)	Amended
10	04/04	(S)	Passed As Amended
11	04/05	(S)	Returned For Concurrence
12	04/09	(H)	Decline to Concur/Invite Conf
13	04/20	(H)	Conferees Named Weathersby, Mettetal, Sullivan
14	04/24	(S)	Conferees Named Blount, Doty, Hill
15	04/30	(S)	Conference Report Filed
16	04/30	(H)	Conference Report Filed
17	05/01	(S)	Conference Report Adopted
18	05/01	(H)	Conference Report Adopted
19	05/08	(H)	Enrolled Bill Signed
20	05/09	(S)	Enrolled Bill Signed
21	05/22		Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 621

Conference Reports:

Conference Report

Code Section: A 043-0027-0039

----- Additional Information -----

House Committee: Public Property

Senate Committee: Public Property

Principal Author: Morgan

Additional Authors: Coleman (65th), Lane, Pigott, Warren

2012 GENERAL LAWS OF MISSISSIPPI, HB 621

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representatives Morgan, Coleman (65th), To: Public Property
Lane, Pigott, Warren

HOUSE BILL NO. 621
(As Sent to Governor)

AN ACT TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION, ACTING ON BEHALF OF THE DEPARTMENT OF HUMAN SERVICES TO CONVEY AND TRANSFER A CERTAIN PORTION OF STATE OWNED REAL PROPERTY LOCATED AT COLUMBIA TRAINING SCHOOL, IN COLUMBIA, MARION COUNTY, MISSISSIPPI, TO THE BOARD OF SUPERVISORS OF MARION COUNTY, MISSISSIPPI; TO AMEND SECTION 43-27-39, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ANY PORTION OF THE COLUMBIA TRAINING SCHOOL PROPERTY TO BE CONVEYED OR TRANSFERRED TO THE BOARD OF SUPERVISORS OF MARION COUNTY, MISSISSIPPI; TO ALLOW THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO CONVEY TO THE MISSISSIPPI TRANSPORTATION COMMISSION CERTAIN REAL PROPERTY ALONG NORTH WEST STREET WITHIN THE CITY OF JACKSON, HINDS COUNTY, MISSISSIPPI; TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION, ACTING ON BEHALF OF THE DEPARTMENT OF PUBLIC SAFETY TO TRANSFER CERTAIN REAL PROPERTY IN GRENADA COUNTY TO THE BOARD OF SUPERVISORS OF GRENADA COUNTY, SUBJECT TO CERTAIN CONDITIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) After consultation with the chairmen of the Senate and House Public Property Committees, the Department of Finance and Administration, acting on behalf of the Mississippi Department of Human Services, is authorized to convey and transfer to the Board of Supervisors of Marion County, Mississippi, upon approval of the Governor and the Secretary of State, certain real property and any improvements thereon, located at Columbia Training School, in Columbia, Marion County, Mississippi, containing approximately 214 acres located within the City of Columbia at the North East corner of the intersection of Highway 44 and National Guard Road being more particularly described as follows:

Commencing at the southwest corner of Section 34, T4N, R18W, thence run N 00 37' 10.95" W for a distance of 973.09 feet; thence run N 89° 29' 39.93" E for a distance of 43.53 feet to a point being 50 feet East of the center line of Hwy. 44; also being the

2012 GENERAL LAWS OF MISSISSIPPI, HB 621

POINT of BEGINNING of said parcel, thence run N 89° 33' 52.61" E for a distance of 394.66 feet; thence run S 00° 00' E for a distance of 244.75 feet; thence run S 90° 00' E for a distance of 869.36 feet; thence run N 58° 56' 17.10" E for a distance of 636.66 feet; thence run N 45° 00' E for a distance of 1,776.45 feet; thence run N 00° 00' E for a distance of 510.0 feet; thence run N 90° 00' W for a distance of 493.36 feet; thence run N 00° 24' 31.67" E for a distance of 1,920.83 feet to a point on the South 50 foot right-of-way line of Hwy. 44; then follow the 50 foot right-of-way line of Hwy. 44 in a South-westerly direction. From said point thence run S 83° 50' 0.64" W for a distance of 541.68 feet; thence run along a counter-clock-wise curve for an arc distance of 209.59 feet and having a radius of 1,450 feet and a chord bearing and distance of S 77° 03' 30.84" W for a distance of 209.41 feet; thence run S 72° 55' 03.62" W for a distance of 1,220.06 feet; thence run along a counter-clock-wise curve for an arc distance of 650.21 feet and having a radius of 520.0 feet and a chord bearing and distance of S 37° 05' 46.76" W for a distance of 608.67 feet; thence run S 01° 16' 26.9" W for a distance of 185.67 feet; then continue following the 50 foot right-of-way line of Hwy. 44 in a Southerly direction run S 00° 17' 16.91" E for a distance of 919.44 feet; thence run S 00° 30' 20.96" E for a distance of 1,673.63 feet back to the POINT of BEGINNING.

(2) The State of Mississippi shall retain all mineral rights to the real property donated under this section.

SECTION 2. Section 43-27-39, Mississippi Code of 1972, is amended as follows:

43-27-39. (1) The purpose of this section is to ensure that Mississippi's juvenile justice system is cost-efficient and effective at reducing juvenile crime and to create a continuum of options for Mississippi's youth court judges so that they are better equipped to protect our communities and to care for our children.

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(2) The Columbia Training School shall no longer operate as a secure training school for juvenile delinquents. All youth, both male and female, committed to the custody of the Department of Human Services and adjudicated to training school shall be housed at the Oakley Youth Development Center. The Oakley Youth Development Center shall provide gender-specific treatment for youth who are adjudicated delinquent.

(3) Any portion of Columbia Training School property and facilities described in Section 1 of this act may be conveyed or transferred to the Board of Supervisors of Marion County, Mississippi.

SECTION 3. (1) The Department of Finance and Administration, subject to survey, may convey to the Mississippi Transportation Commission all of the rights, title and interest in certain real property along North West Street located within the City of Jackson, Hinds County, Mississippi, described more specifically as follows:

Beginning at the southwest corner of a 2.888 acre parcel of land owned by Mississippi State Highway Commission recorded in Book 736 Page 501 of the records of the Chancery Clerk of Hinds County; said corner being the POINT of BEGINNING for the following parcel:

From said corner thence run S 12° 08' 51" W for a distance of 22.14' along the ROW of North Mill St. thence run S 28° 24' 18" E for a distance of 30.45' thence run S 29° 57' 13" E for a distance of 20.22' thence run S 32° 39' .02" E for a distance of 19.96' thence run S 37° 35' 23" E for a distance of 39.91' thence run S 39° 27' 32" E for a distance of 20.11' thence run S 40° 02' 21" E for a distance of 19.81' thence run S 43° 31' 06" E for a distance of 19.64' thence run S 49° 07' 51" E for a distance of 20.00' thence run S 52° 40' 14" E for a distance of 19.12' thence run N 28° 27' 28" E for a distance of 61.40' thence run N 89° 32' 07" E for a distance of 392.06' thence run N 00° 09' 23" E for a

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distance of 126.11' thence run N 89° 55' 28" W for a distance of 546.06' to the POINT of BEGINNING containing 1.598 acres being located in the S 1/2 of Section 27 T6N, R1E City of Jackson, Hinds County, Mississippi.

(2) The State of Mississippi shall retain all rights to minerals in the property. If the property conveyed shall not, within ten (10) years of the date of conveyance, be used for public uses, then the property shall revert to the State of Mississippi.

SECTION 4. (1) The Department of Finance and Administration, acting on behalf of the Department of Public Safety, is authorized to transfer to the Board of Supervisors of Grenada County, Mississippi, certain real property that has been in the possession of and under the jurisdiction of the Department of Public Safety since 1942 which such deed was recorded on December 7, 1942, and upon which it currently operates a licensing station from a building located on the site, such property being more particularly described as follows:

Being situated in the County of Grenada and the State of Mississippi, to wit:

Lot 113 of Jackson Heights Subdivision of SE 1/4 NE 1/4 of NE 1/4 SE 1/4 of Section 19, Township 22 North, Range 5 East as same appears of record in Plat Book 1 at page 39 of the records of the Chancery Clerk's Office of said county.

There is also granted with this deed a permit to place a guy pole or wire on Lot 107 of said subdivision with the distinct understanding that same will not interfere with any buildings now on said lot or to be erected on said lot.

(2) The transfer of the real property described in subsection (1) of this section shall be contingent upon the County of Grenada entering into a written agreement with the Department of Public Safety to fund the construction of a new licensing station within the county.

(3) The State of Mississippi shall retain all mineral rights to the real property transferred under this section.

SECTION 5. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2012 Regular Session**

House Bill 815

Description: Toll roads; revise laws regarding.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2012

Chapter Number: 537

History of Actions:

- 1 02/20 (H) Referred To Transportation; Ways and Means
- 2 02/22 (H) DR - TSDP: TR To WM
- 3 02/23 (H) DR - TSDPCS: WM To TR
- 4 02/28 (H) Title Suff Do Pass Comm Sub
- 5 03/13 (H) Committee Substitute Adopted
- 6 03/13 (H) Passed
- 7 03/15 (H) Transmitted To Senate
- 8 03/16 (S) Referred To Highways and Transportation
- 9 03/27 (S) Title Suff Do Pass As Amended
- 10 04/04 (S) Amended
- 11 04/04 (S) Passed As Amended
- 12 04/05 (S) Returned For Concurrence
- 13 04/10 (H) Decline to Concur/Invite Conf
- 14 04/24 (H) Conferees Named Johnson, Barton, Holland
- 15 04/27 (S) Conferees Named Simmons (13th), Horhn, Smith
- 16 04/28 (S) Conference Report Filed
- 17 04/28 (H) Conference Report Filed
- 18 04/30 (H) Conference Report Adopted
- 19 05/01 (S) Conference Report Adopted
- 20 05/08 (H) Enrolled Bill Signed
- 21 05/09 (S) Enrolled Bill Signed
- 22 05/22 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 815

Conference Reports:

Conference Report

Code Section: A 065-0043-0001, A 065-0043-0003

----- Additional Information -----

House Committee: Transportation, Ways and Means

Senate Committee: Highways and Transportation

Principal Author: Johnson

2012 GENERAL LAWS OF MISSISSIPPI, HB 815

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representative Johnson

To: Transportation; Ways and Means

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 815

AN ACT TO AMEND SECTIONS 65-43-1 AND 65-43-3, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT AN EXISTING ROAD OR ANY SEGMENT OF AN EXISTING ROAD MAY NOT BE PART OF A NEW TOLL ROAD; TO DELETE THE REQUIREMENT THAT THE RECONSTRUCTION OR REPAIR OF AN EXISTING ROAD SHALL NOT BE TOLLED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 65-43-1, Mississippi Code of 1972, is amended as follows:

65-43-1. The Mississippi Transportation Commission, county boards of supervisors and/or the governing authorities of municipalities (hereinafter referred to as governmental entities), in their discretion, may construct, operate and maintain, individually or jointly with other governmental entities, one or more new toll roads or toll bridges in the state for motor vehicle traffic, including toll booths and related facilities, at * * * those locations where an alternate untolled route exists. * * * All such highways, pavement, bridges, drainage-related structures and other infrastructure comprising the projects shall be built and maintained in accordance with not less than the minimum highway design, construction and maintenance standards established by the contracting governmental entity for such highways, infrastructure and facilities.

SECTION 2. Section 65-43-3, Mississippi Code of 1972, is amended as follows:

65-43-3. (1) (a) In addition to and as an alternative to any other authority granted by law, including, but not limited to, Section 65-43-1, any governmental entities, as defined in Section 65-43-1, in their discretion, may contract, individually or

jointly with other governmental entities, with any persons, corporations, partnerships or other businesses licensed to do business in the State of Mississippi (hereinafter referred to as "companies" or "company") for the purpose of designing, financing, constructing, operating and maintaining one or more new toll roads or toll bridges in the state for motor vehicle traffic, including tollbooths and related facilities, at * * * those locations where an alternate untolled route exists. * * * Such contracts may provide that the governmental entities may grant certain rights (including, but not limited to, the right to exclusively operate and maintain) in land held by the governmental entities, whether in fee simple, as an easement or other interest, to a company for design, construction, operation and/or maintenance of roadways, highways or bridges for motor vehicle traffic, tollbooths and related facilities. All such highways, pavement, bridges, drainage-related structures and other infrastructure comprising the projects shall be built and maintained in accordance with not less than the minimum highway design, construction and maintenance standards established by the contracting governmental entity for such highways, infrastructure and facilities. The contracting governmental entity shall conduct periodic inspections of any such project throughout the term of the contract to ensure compliance by the company. Failure of a company to comply with minimum standards established for the project by the contracting governmental entity shall constitute a breach and shall subject the company to liability on its bond or security or to rescission of the contract in accordance with the terms and provisions of the contract.

(b) A governmental entity may not enter into a contract under this section with (i) any company designated as a foreign terrorist organization pursuant to Presidential Executive Order 13224 or Section 302 of the federal Antiterrorism or Effective Death Penalty Act of 1996, (ii) any company under the control of a

so-designated foreign terrorist organization, or (iii) any company controlled by a foreign person if to do so would violate any order of the Committee on Foreign Investment in the United States under the Foreign Investment and National Security Act of 2007, H.R. 566, 110th Cong. (2007), Public Law 110-49, 121 Stat. 246. These requirements also shall apply to any proposed transfer or assignment of any contract entered into under this section.

(2) (a) Every contract entered into by a governmental entity under this section (except for contracts entered into with another governmental entity or following termination of a predecessor contract entered into under this section), at a minimum, must provide for the design and construction of a new toll road or toll bridge project and may also provide for the financing, acquisition, lease, maintenance, and/or operation of a new toll road or toll bridge project.

(b) If a governmental entity enters into a contract with a company as authorized by this section, such governmental entity shall use a competitive procurement process that provides the best value for the governmental entity. The governmental entity may accept unsolicited proposals for a proposed new toll road or solicit proposals in accordance with this section.

(c) A governmental entity shall publish a request for competing proposals and qualifications in a newspaper having a general circulation within such governmental entity or, if the governmental entity is the Mississippi Transportation Commission, shall publish the request in a newspaper having a general circulation at the seat of government and, if the governmental entity has a website, shall post the request on such website. Such request shall include the criteria used to evaluate the proposals, the relative weight given to the criteria and a deadline by which proposals must be received. At a minimum, a proposal submitted in response to such request must contain:

(i) Information regarding the proposed project location, scope and limits;

(ii) Information regarding the company's qualifications, experience, technical competence, and capability to develop the project; and

(iii) A proposed financial plan for the proposed project that includes, at a minimum, the projected project costs, projected revenues and proposed sources of funds.

A governmental entity may interview a company submitting a solicited or unsolicited proposal. In evaluating such proposals, a governmental entity may solicit input from other sources regarding such proposals.

(d) The governmental entity shall rank each proposal based on the criteria described in the request for proposals and select the company whose proposal offers the best value to the governmental entity. The governmental entity may enter into discussions with the company whose proposal offers the best value. If at any point during the discussions it appears to the governmental entity that the highest ranking proposal will not provide the governmental entity with the overall best value, the governmental entity may enter into discussions with the company submitting the next highest ranking proposal.

(e) The governmental entity may withdraw a request for competing proposals and qualifications at any time and for any reason and may reject any one (1) or all proposals. In either case, the governmental entity may then publish a new request for competing proposals and qualifications. A governmental entity shall not be required to pay any company for the costs of preparing or submitting proposals.

(f) The governmental entity shall prescribe the general form of a contract authorized by this section and may include any matter the governmental entity considers advantageous to it. The

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governmental entity and the company shall negotiate the specific terms of the contract.

(g) Except as provided under this subsection (2), no such contract entered into hereunder shall be subject to the provisions of Section 65-1-8, Section 31-7-13 or any other public bid or public procurement laws of this state.

(h) The Transportation Commission shall evaluate each proposal based on the criteria established by the commission. The Transportation Commission shall approve or disapprove a proposal within ninety (90) days after receipt of the proposal. If the Transportation Commission needs additional information, it may delay approval for an additional sixty (60) days.

(i) Any right or interest arising under or as a result of any contract entered into under this section by a governmental entity with a company involving a franchise, license agreement, concession agreement, operating agreement, construction agreement, design agreement and/or any other similar contractual arrangement in connection with the financing, design, construction, acquisition, maintenance and/or operation of a toll road or toll bridge project shall not constitute any right, title or interest in land or other real property or real estate or in personal property within the meaning of Article 1, Chapter 35, Title 27, Mississippi Code of 1972, in the toll road or toll bridge project, including tollbooths and related toll facilities (including, but not limited to, land, pavement, drainage-related structures, and other infrastructure and property related thereto) in which a governmental entity is the title owner of such property and/or holder of easements, rights-of-way and/or other interests for such toll road or toll bridge project.

(3) Every contract entered into by a governmental entity under this section shall require a company to enter into bond and provide such security as the governmental entity determines may be necessary or advisable to ensure timely completion and proper

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execution and performance of the contract. The term of the contract shall not exceed fifty (50) years and shall not be extended or renewed. The governmental entities are authorized to acquire such property or interests in property as may be necessary, by gift, purchase or eminent domain, for construction and maintenance of the highways or bridges built pursuant to contracts entered into under this section. Upon expiration, termination or rescission of the contract, any and all rights and/or interests that the company may have in the land, infrastructure, facilities or other improvements to the property subject to contract shall terminate and automatically, by operation of law, be returned or conveyed to and vested in the State of Mississippi or the contracting governmental entity. Upon termination, expiration or rescission of the contract, the collection of tolls shall cease.

(4) The governmental entity having jurisdiction over the toll highway or bridge may, after notice and public hearing, establish, charge and collect motor vehicle operator tolls for use of the highway or bridge and its facilities. Alternatively, during the term of any contract entered into under this section, the company may establish, charge and collect motor vehicle operators tolls for use of the highway or bridge and its facilities. The amount of such tolls, and any modification thereto, shall be subject to approval by the contracting governmental entity after notice and public hearing. All such contracts entered into with the Mississippi Transportation Commission may require a company to pay a percentage or other specified portion of all tolls collected to the Mississippi Department of Transportation. If bonds are issued pursuant to Section 65-43-13, then all such tolls paid to the department shall be deposited into the special bond sinking fund under Section 65-43-11, and may be expended only as authorized by the Legislature. If bonds are not issued pursuant to Section

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65-43-13, then all such tolls paid to the department shall be deposited into the department's highway fund to be used by the department for the construction and maintenance of highways.

(5) If a toll road is a designated evacuation route and a declaration of a state of emergency is issued by the President of the United States or by the Governor, the collection of tolls shall cease until the termination of the state of emergency.

(6) All statutes of this state relating to vehicle and traffic regulation and control shall be applicable to motor vehicles operated upon highways and bridges constructed under this section and shall be enforceable by the Mississippi Department of Public Safety, the Mississippi Highway Safety Patrol or any other law enforcement agency having jurisdiction over such highways and bridges.

(7) The State of Mississippi, the Mississippi Transportation Commission, the Mississippi Department of Transportation, counties, municipalities or any other agency or political subdivision, or any officer or employee thereof, shall not be liable for any tortious act or omission arising out of the construction, maintenance or operation of any highway or bridge project under the provisions of this section where the act or omission occurs during the term of any such contract entered into by the Mississippi Transportation Commission or other governmental entity and a company.

SECTION 3. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

House Bill 878

Description: State assessments; provide for several funds, and reduce certain assessments.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2012

Chapter Number: 554

History of Actions:

- 1 02/20 (H) Referred To Appropriations
- 2 03/06 (H) Title Suff Do Pass
- 3 03/14 (H) Passed
- 4 03/15 (H) Transmitted To Senate
- 5 03/22 (S) Referred To Judiciary, Division B; Appropriations
- 6 03/29 (S) DR - TSDPAA: JB To AP
- 7 03/29 (S) Title Suff Do Pass As Amended
- 8 04/04 (S) Amended
- 9 04/04 (S) Passed As Amended
- 10 04/05 (S) Returned For Concurrence
- 11 04/10 (H) Decline to Concur/Invite Conf
- 12 04/20 (H) Conferees Named Frierson, Watson, Howell
- 13 04/27 (S) Conferees Named Bryan, Clarke, Wilemon
- 14 04/30 (H) Conference Report Filed
- 15 04/30 (S) Conference Report Filed
- 16 05/01 (H) Conference Report Adopted
- 17 05/01 (S) Conference Report Adopted
- 18 05/08 (H) Enrolled Bill Signed
- 19 05/09 (S) Enrolled Bill Signed
- 20 05/22 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 878

Conference Reports:

Conference Report

Code Section: A 099-0019-0073, A 037-0115-0043, A 097-0015-0029

----- Additional Information -----

House Committee: Appropriations

Senate Committee: Judiciary, Division B, Appropriations

Principal Author: Howell

2012 GENERAL LAWS OF MISSISSIPPI, HB 878

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representative Howell

To: Appropriations

HOUSE BILL NO. 878
(As Sent to Governor)

AN ACT TO AMEND SECTION 99-17-93, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ASSESSMENTS ON MOVING TRAFFIC VIOLATIONS FOR THE CHILDREN'S JUSTICE CENTER FUND, THE DUBARD SCHOOL FOR LANGUAGE DISORDERS FUND AND THE CHILDREN'S ADVOCACY CENTERS FUND, AND TO REDUCE THE AMOUNT OF CERTAIN OTHER ASSESSMENTS; TO DELETE THE ASSESSMENT FOR LITTER LAW VIOLATIONS; TO PROVIDE FOR AN ASSESSMENT ON OTHER MISDEMEANORS FOR THE MOTORCYCLE OFFICERS TRAINING PROGRAM FUND; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE MOTORCYCLE OFFICERS TRAINING PROGRAM FUND TO PROVIDE FUNDING FOR THE TRAINING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS, INCLUDING MOTORCYCLE OFFICERS TRAINING; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE CHILDREN'S ADVOCACY CENTERS FUND FOR TRAINING FORENSIC INTERVIEWERS IN CHILD ABUSE AND CHILD SEXUAL ABUSE CASES, TRAINING LAW ENFORCEMENT OFFICERS AND PROSECUTORS ABOUT CHILD ABUSE CASES, AND EXPANDING THE NUMBER OF CHILDREN'S ADVOCACY CENTERS OF MISSISSIPPI TO UNDERSERVED AREAS; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE DUBARD SCHOOL FOR LANGUAGE DISORDERS FUND TO SUPPORT THE DUBARD SCHOOL FOR LANGUAGE DISORDERS AT THE UNIVERSITY OF SOUTHERN MISSISSIPPI; TO AMEND SECTIONS 37-115-43 AND 97-15-29, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 99-19-73, as amended by House Bill No.

484, 2012 Regular Session, Mississippi Code of 1972, is amended as follows:

99-19-73. (1) **Traffic violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation in Title 63, Mississippi Code of 1972, except offenses relating to the Mississippi Implied Consent Law (Section 63-11-1 et seq.) and offenses relating to vehicular parking or registration:

FUND

AMOUNT

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State Court Education Fund.....	\$.85
State Prosecutor Education Fund.....	<u>1.25</u>
Vulnerable Persons Training,	
Investigation and Prosecution Trust Fund.....	1.50
Child Support Prosecution Trust Fund.....	<u>.30</u>
Driver Training Penalty Assessment Fund.....	7.00
Law Enforcement Officers Training Fund.....	5.00
Spinal Cord and Head Injury Trust Fund	
(for all moving violations).....	<u>5.45</u>
Emergency Medical Services Operating Fund.....	20.00
Mississippi Leadership Council on Aging Fund.....	1.00
Law Enforcement Officers and Fire Fighters Death	
Benefits Trust Fund.....	.50
Law Enforcement Officers and Fire Fighters	
Disability Benefits Trust Fund.....	<u>.15</u>
State Prosecutor Compensation Fund for the purpose	
of providing additional compensation for district	
attorneys and their legal assistants.....	10.00
Crisis Intervention Mental Health Fund.....	10.00
Drug Court Fund.....	10.00
Capital Defense Counsel Fund.....	2.89
Indigent Appeals Fund.....	2.29
Capital Post-Conviction Counsel Fund.....	2.33
Victims of Domestic Violence Fund.....	.49
Public Defenders Education Fund.....	1.00
Domestic Violence Training Fund.....	1.00
Attorney General's Cyber-Crime Unit.....	2.50
Children's Justice Center Fund.....	<u>2.21</u>
DuBard School for Language Disorders Fund.....	<u>.88</u>
Children's Advocacy Centers Fund	
through June 30, 2014.....	<u>1.91</u>
TOTAL STATE ASSESSMENT THROUGH JUNE 30, 2014.....	\$ <u>90.50</u>
TOTAL STATE ASSESSMENT	

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FROM AND AFTER JULY 1, 2014.....\$ 88.59

(2) **Implied Consent Law violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or any other penalty for any violation of the Mississippi Implied Consent Law (Section 63-11-1 et seq.):

FUND	AMOUNT
Crime Victims' Compensation Fund.....	\$ 10.00
State Court Education Fund.....	1.50
State Prosecutor Education Fund.....	2.00
Vulnerable Persons Training,	
Investigation and Prosecution Trust Fund.....	1.50
Child Support Prosecution Trust Fund.....	.50
Driver Training Penalty Assessment Fund.....	22.00
Law Enforcement Officers Training Fund.....	11.00
Emergency Medical Services Operating Fund.....	45.00
Mississippi Alcohol Safety Education Program Fund.....	5.00
Federal-State Alcohol Program Fund.....	10.00
Mississippi Crime Laboratory	
Implied Consent Law Fund.....	25.00
Spinal Cord and Head Injury Trust Fund.....	25.00
Capital Defense Counsel Fund.....	2.89
Indigent Appeals Fund.....	2.29
Capital Post-Conviction Counsel Fund.....	2.33
Victims of Domestic Violence Fund.....	.49
State General Fund.....	35.00
Law Enforcement Officers and Fire Fighters Death	
Benefits Trust Fund.....	.50
Law Enforcement Officers and Fire Fighters Disability	
Benefits Trust Fund.....	1.00
State Prosecutor Compensation Fund for the purpose	
of providing additional compensation for district	

2012 GENERAL LAWS OF MISSISSIPPI, HB 878

attorneys and their legal assistants.....	10.00
Crisis Intervention Mental Health Fund.....	10.00
Drug Court Fund.....	10.00
Statewide Victims' Information and Notification System Fund.....	6.00
Public Defenders Education Fund.....	1.00
Domestic Violence Training Fund.....	1.00
Attorney General's Cyber-Crime Unit.....	2.50
TOTAL STATE ASSESSMENT.....	\$243.50

(3) **Game and Fish Law violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation of the game and fish statutes or regulations of this state:

FUND	AMOUNT
State Court Education Fund.....	\$ 1.50
State Prosecutor Education Fund.....	2.00
Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....	1.50
Law Enforcement Officers Training Fund.....	5.00
Hunter Education and Training Program Fund.....	5.00
State General Fund.....	30.00
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	.50
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....	1.00
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....	10.00
Crisis Intervention Mental Health Fund.....	10.00
Drug Court Fund.....	10.00
Capital Defense Counsel Fund.....	2.89

2012 GENERAL LAWS OF MISSISSIPPI, HB 878

Indigent Appeals Fund.....	2.29
Capital Post-Conviction Counsel Fund.....	2.33
Victims of Domestic Violence Fund.....	.49
Public Defenders Education Fund.....	1.00
Domestic Violence Training Fund.....	1.00
Attorney General's Cyber-Crime Unit.....	2.50
TOTAL STATE ASSESSMENT.....	\$ 89.00

(4) **[Deleted]**

(5) **Speeding, reckless and careless driving violations.** In addition to any assessment imposed under subsection (1) or (2) of this section, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for driving a vehicle on a road or highway:

(a) At a speed that exceeds the posted speed limit by at least ten (10) miles per hour but not more than twenty (20) miles per hour.....\$ 10.00

(b) At a speed that exceeds the posted speed limit by at least twenty (20) miles per hour but not more than thirty (30) miles per hour.....\$ 20.00

(c) At a speed that exceeds the posted speed limit by thirty (30) miles per hour or more.....\$ 30.00

(d) In violation of Section 63-3-1201, which is the offense of reckless driving.....\$ 10.00

(e) In violation of Section 63-3-1213, which is the offense of careless driving.....\$ 10.00

All assessments collected under this subsection shall be deposited into the Mississippi Trauma Care Systems Fund established under Section 41-59-75.

(6) **Other misdemeanors.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any misdemeanor violation not specified in subsection (1), (2) or (3)

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of this section, except offenses relating to vehicular parking or registration:

FUND	AMOUNT
Crime Victims' Compensation Fund.....	\$ 10.00
State Court Education Fund.....	1.50
State Prosecutor Education Fund.....	2.00
Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....	1.50
Child Support Prosecution Trust Fund.....	.50
Law Enforcement Officers Training Fund.....	5.00
Capital Defense Counsel Fund.....	2.89
Indigent Appeals Fund.....	2.29
Capital Post-Conviction Counsel Fund.....	2.33
Victims of Domestic Violence Fund.....	.49
State General Fund.....	30.00
State Crime Stoppers Fund.....	1.50
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	.50
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....	1.00
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....	10.00
Crisis Intervention Mental Health Fund.....	10.00
Drug Court Fund.....	8.00
Judicial Performance Fund.....	2.00
Statewide Victims' Information and Notification System Fund.....	6.00
Public Defenders Education Fund.....	1.00
Domestic Violence Training Fund.....	1.00
Attorney General's Cyber-Crime Unit.....	2.50
Information Exchange Network Fund.....	4.00
<u>Motorcycle Officer Training Fund.....</u>	<u>.75</u>

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TOTAL STATE ASSESSMENT.....\$106.75

(7) **Other felonies.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any felony violation not specified in subsection (1), (2) or (3) of this section:

FUND	AMOUNT
Crime Victims' Compensation Fund.....	\$ 10.00
State Court Education Fund.....	1.50
State Prosecutor Education Fund.....	2.00
Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....	1.50
Child Support Prosecution Trust Fund.....	.50
Law Enforcement Officers Training Fund.....	5.00
Capital Defense Counsel Fund.....	2.89
Indigent Appeals Fund.....	2.29
Capital Post-Conviction Counsel Fund.....	2.33
Victims of Domestic Violence Fund.....	.49
State General Fund.....	60.00
Criminal Justice Fund.....	50.00
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	.50
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....	1.00
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....	10.00
Crisis Intervention Mental Health Fund.....	10.00
Drug Court Fund.....	10.00
Statewide Victims' Information and Notification System Fund.....	6.00
Public Defenders Education Fund.....	1.00

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Domestic Violence Training Fund.....	1.00
Attorney General's Cyber-Crime Unit.....	2.50
Crime Laboratory DNA Identification System Fund.....	100.00
TOTAL STATE ASSESSMENT.....	\$280.50

(8) **Additional assessments on certain violations:**

(a) **Railroad crossing violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation involving railroad crossings under Section 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

Operation Lifesaver Fund.....	\$25.00
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(b) **Drug violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation of Section 41-29-139:

Drug Evidence Disposition Fund.....	\$25.00
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(9) If a fine or other penalty imposed is suspended, in whole or in part, such suspension shall not affect the state assessment under this section. No state assessment imposed under the provisions of this section may be suspended or reduced by the court.

(10) After a determination by the court of the amount due, it shall be the duty of the clerk of the court to promptly collect all state assessments imposed under the provisions of this section. The state assessments imposed under the provisions of this section may not be paid by personal check. It shall be the duty of the chancery clerk of each county to deposit all such state assessments collected in the circuit, county and justice courts in such county on a monthly basis with the State Treasurer

pursuant to appropriate procedures established by the State Auditor. The chancery clerk shall make a monthly lump-sum deposit of the total state assessments collected in the circuit, county and justice courts in such county under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the circuit, county and justice courts in such county during such month. It shall be the duty of the municipal clerk of each municipality to deposit all such state assessments collected in the municipal court in such municipality on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The municipal clerk shall make a monthly lump-sum deposit of the total state assessments collected in the municipal court in such municipality under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the municipal court in such municipality during such month.

(11) It shall be the duty of the Department of Finance and Administration to deposit on a monthly basis all such state assessments into the proper special fund in the State Treasury. The monthly deposit shall be based upon the number of violations reported under each subsection and the pro rata amount of such assessment due to the appropriate special fund. The Department of Finance and Administration shall issue regulations providing for the proper allocation of these special funds.

(12) The State Auditor shall establish by regulation procedures for refunds of state assessments, including refunds associated with assessments imposed before July 1, 1990, and refunds after appeals in which the defendant's conviction is reversed. The Auditor shall provide in such regulations for certification of eligibility for refunds and may require the

defendant seeking a refund to submit a verified copy of a court order or abstract by which such defendant is entitled to a refund. All refunds of state assessments shall be made in accordance with the procedures established by the Auditor.

SECTION 2. There is created in the State Treasury a special fund to be known as the Motorcycle Officers Training Program Fund, which shall be administered by the Office of the Attorney General. The purpose of the fund shall be to provide funding for the training of state and local law enforcement officers, including, but not limited to, motorcycle officers training. All courses provided under the Motorcycle Officers Training Program shall be administered and approved by the Mississippi Law Enforcement Officers Association. Monies in the fund shall be expended by the Attorney General, upon appropriation by the Legislature. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of:

- (a) Monies appropriated by the Legislature for the purposes of funding the Motorcycle Officers Training Program;
- (b) The interest accruing to the fund;
- (c) Monies received under the provisions of Section 99-19-73;
- (d) Monies received from the federal government;
- (e) Donations; and
- (f) Monies received from such other sources as may be provided by law.

SECTION 3. There is created in the State Treasury a special fund to be known as the Children's Advocacy Centers Fund, which shall be administered by the Office of the Attorney General. The purpose of the fund shall be for training forensic interviewers in child abuse and child sexual abuse cases, training law enforcement officers and prosecutors about child abuse cases, expanding the number of Children's Advocacy Centers of Mississippi to underserved areas, and other related purposes. Monies in the fund

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shall be expended by the Attorney General, upon appropriation by the Legislature. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of:

- (a) Monies appropriated by the Legislature for the purposes of funding the Children's Advocacy Centers of Mississippi;
- (b) The interest accruing to the fund;
- (c) Monies received under the provisions of Section 99-19-73;
- (d) Monies received from the federal government;
- (e) Donations; and
- (f) Monies received from such other sources as may be provided by law.

SECTION 4. There is created in the State Treasury a special fund to be known as the DuBard School for Language Disorders Fund, which shall be administered by the Board of Trustees of State Institutions of Higher Learning. The purpose of the fund shall be to support the DuBard School for Language Disorders at the University of Southern Mississippi. Monies in the fund shall be expended by the board of trustees, upon appropriation by the Legislature. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of:

- (a) Monies appropriated by the Legislature for the purposes of funding the DuBard School for Language Disorders;
- (b) The interest accruing to the fund;
- (c) Monies received under the provisions of Section 99-19-73;
- (d) Monies received from the federal government;
- (e) Donations; and
- (f) Monies received from such other sources as may be provided by law.

SECTION 5. Section 37-115-43, Mississippi Code of 1972, is amended as follows:

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37-115-43. (1) The University of Mississippi Medical Center in collaboration with the Mississippi Department of Human Services and the Office of the Attorney General is authorized and empowered to establish a Center of Excellence (Center), to provide care for abused and neglected children at the Blair E. Batson Hospital for Children located in Jackson, Mississippi, where suspected victims of child maltreatment referred by the Department of Human Services or law enforcement will receive comprehensive physical examinations conducted by medical professionals who specialize in child maltreatment. The University of Mississippi Medical Center shall promulgate such policies as may be necessary and desirable to carry out the programs of the Center. The Center shall serve as a resource for the assessment, investigation and prosecution of child maltreatment. The Center shall work in collaboration with the Office of the Attorney General, the Mississippi Department of Human Services and other such state agencies and entities that provide services to children, to ensure that CARE Clinic services are provided in a uniform fashion throughout the state.

(2) The Department of Pediatrics may use the Center for educational and outreach programs, telemedicine consultations, to develop satellite clinics in other locations in the state in cooperation with the local community or private hospital when applicable, and to conduct major research initiatives in child maltreatment.

(3) The Center of Excellence shall provide services to maltreated children and comply with national certification standards as necessary to provide services to the Department of Human Services, the youth courts, state child advocacy centers, district attorney's offices and law enforcement agencies.

(4) There is * * * created in the State Treasury a special fund to be known as the Children's Justice Center Fund. * * * The University of Mississippi Medical Center shall expend funds pursuant to appropriation therefor by the Legislature for the

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support and maintenance of the Children's Justice Center. The University of Mississippi Medical Center is authorized to accept any and all grants, donations or matching funds from private, public or federal sources in order to add to, improve and enlarge the physical facilities of the Center and to expend any such funds for the support and maintenance of the Center. Assessments from Section 99-19-73 designated for the Children's Justice Center Fund shall be deposited into the fund. Monies remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned from the investment of monies in the fund shall be deposited to the credit of the fund.

SECTION 6. During fiscal year 2013, the following agencies shall have the authority to receive, budget and expend the following amounts generated from the assessments enacted in House Bill No. 878, 2012 Regular Session:

University of Mississippi Medical Center for the	
Children's Justice Center.....	\$750,000.00
Board of Trustees of State Institutions of	
Higher Learning for the DuBard School	
for Language Disorders.....	\$300,000.00
Attorney General's office for the Children's Advocacy	
Centers of Mississippi.....	\$650,000.00
Attorney General's office for the Motorcycle	
Officers Training Program.....	\$50,000.00

The above listed escalations shall be done in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

SECTION 7. Section 97-15-29, Mississippi Code of 1972, is amended as follows:

97-15-29. (1) Anyone who shall put, throw, dump or leave on the roads and highways of this state, or within the limits of the rights-of-way of such roads and highways, or upon any private

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property, any cigarette or cigar stubs, or any other thing or substance likely to ignite the grass or underbrush on a road or highway, in addition to being civilly liable for all damages caused by such act shall, upon conviction, be guilty of a misdemeanor and punished as provided by subsection (3) of this section.

(2) The Department of Transportation is authorized to erect warning signs along the roads and highways of this state advising the public of the existence of this section and of the penalty for the violation thereof and is further authorized to install receptacles at reasonable intervals along the roads and highways of this state to be used as containers for trash and rubbish and for the convenience of the public using such roads and highways.

(3) Any person found guilty of the violation of this section shall, upon conviction, be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00). The proceeds of such fines shall be expended by the collecting jurisdiction solely for the purpose of funding local litter prevention programs or projects or local or school litter education programs as recommended by the statewide litter prevention program of Keep Mississippi Beautiful, Inc.

(4) As a part of the fine imposed by subsection (3) above, a person convicted for an offense upon which fines are imposed by this section may be required to perform the following, and a person convicted for a second or subsequent offense upon which fines are imposed by this section shall be required to:

(a) Remove or render harmless, in accordance with written direction, as appropriate, from the Department of Environmental Quality or local law enforcement authorities, the unlawfully discarded solid waste;

(b) Repair or restore property damaged by, or pay damages for any damage arising out of the unlawfully discarded solid waste;

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(c) Perform community public service relating to the removal of any unlawfully discarded solid waste or to the restoration of any area polluted by unlawfully discarded solid waste; and

(d) Pay all reasonable investigative and prosecutorial expenses and costs to the investigative and/or prosecutorial agency or agencies.

(5) Upon a second or subsequent conviction of an offense upon which fines are imposed by this section, the minimum and maximum fines shall be doubled.

(6) When any litter is thrown or discarded from a motor vehicle, the operator of the motor vehicle shall be deemed in violation of this section.

* * *

(7) * * * There shall be imposed and collected an assessment of Fifty Dollars (\$50.00) on each violation of this section. The assessment shall be deposited into the Law Enforcement Officers Monument Fund created in Section 39-5-71. After the monument is constructed, the assessment shall not be deposited into the fund. The assessment shall then be deposited with the Board of Trustees of State Institutions of Higher Learning to be used for the scholarship program for children of deceased or disabled law enforcement officers and firemen as provided by Sections 37-107-1 through 37-107-9.

(8) It shall be the duty of all law enforcement officers to enforce the provisions of this section.

(9) This section shall not prohibit the storage of ties and machinery by a railroad on its right-of-way where the highway right-of-way extends to within a few feet of the railroad roadbed.

SECTION 8. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

House Bill 921

Description: Voter identification; require for all elections.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: VRA

Chapter Number: 526

History of Actions:

- 1 02/20 (H) Referred To Apportionment and Elections
- 2 03/01 (H) Title Suff Do Pass Comm Sub
- 3 03/13 (H) Failed to Suspend Rules
- 4 03/13 (H) Read the Third Time
- 5 03/14 (H) Committee Substitute Adopted
- 6 03/14 (H) Amendment Failed
- 7 03/14 (H) Passed
- 8 03/14 (H) Motion to Reconsider Entered (Buck (5th), Denny, Horne)
- 9 03/15 (H) Motion to Reconsider Tabled
- 10 03/19 (H) Transmitted To Senate
- 11 03/20 (S) Referred To Elections
- 12 04/02 (S) Title Suff Do Pass As Amended
- 13 04/10 (S) Amended
- 14 04/10 (S) Passed As Amended
- 15 04/10 (S) Motion to Reconsider Entered
- 16 04/12 (S) Motion to Reconsider Tabled
- 17 04/12 (S) Returned For Concurrence
- 18 04/26 (H) Concurred in Amend From Senate
- 19 04/30 (H) Enrolled Bill Signed
- 20 04/30 (S) Enrolled Bill Signed
- 21 05/17 Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub) *Lost*

[H] Amendment No 2 (Cmte Sub) *Lost*

[S] Committee Amendment No 1 *Adopted*

[S] Amendment No 1 to Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 921

Code Section: A 023-0015-0135, A 023-0015-0011, A 023-0015-0541, A 023-0015-0631,
A 023-0015-0639, A 023-0015-0719, A 045-0001-0037

----- Additional Information -----

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House Committee: Apportionment and Elections

Senate Committee: Elections

Principal Author: Denny

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representative Denny

To: Apportionment and
Elections

HOUSE BILL NO. 921
(As Sent to Governor)

AN ACT TO REQUIRE A QUALIFIED ELECTOR WHO APPEARS TO VOTE AT THE REGISTRAR'S OFFICE OR A POLLING PLACE TO PRESENT IDENTIFICATION BEFORE VOTING; TO REQUIRE THE SECRETARY OF STATE TO NEGOTIATE A MEMORANDUM OF UNDERSTANDING BETWEEN THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY AND THE REGISTRAR OF EACH COUNTY FOR THE PURPOSE OF PROVIDING A MISSISSIPPI VOTER IDENTIFICATION CARD; TO AMEND SECTIONS 23-15-135, 23-15-11, 23-15-541, 23-15-631, 13-15-639, 23-15-719 AND 45-1-37, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Each person who shall appear to vote in person at a polling place or the registrar's office shall be required to identify himself or herself to an election manager or the registrar by presenting current and valid photo identification before such person shall be allowed to vote.

(2) The identification required by subsection (1) of this section shall include, but not be limited to, the following:

- (a) A current and valid Mississippi driver's license;
- (b) A current and valid identification card issued by a branch, department, agency or entity of the State of Mississippi;
- (c) A current and valid United States passport;
- (d) A current and valid employee identification card containing a photograph of the elector and issued by any branch, department, agency or entity of the United States government, the State of Mississippi, or any county, municipality, board, authority or other entity of this state;
- (e) A current and valid Mississippi license to carry a pistol or revolver;
- (f) A valid tribal identification card containing a photograph of the elector;

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(g) A current and valid United States military identification card;

(h) A current and valid student identification card, containing a photograph of the elector, issued by any accredited college, university or community or junior college in the State of Mississippi; and

(i) An official Mississippi voter identification card containing a photograph of the elector.

(3) (a) A person who appears to vote in person at a polling place and does not have identification as required by this section may vote by affidavit ballot. The affidavit ballot shall then be counted if the person shall present acceptable photo identification to the registrar within five (5) days.

(b) An elector who has a religious objection to being photographed may vote by affidavit ballot, and the elector, within five (5) days after the election, shall execute an affidavit in the registrar's office affirming that the exemption applies.

(4) Any person who utilizes the provisions of this section to intimidate a voter, or to prevent from voting a person who is otherwise qualified to vote shall, upon conviction, be sentenced to pay a fine of not less than Five Thousand Dollars (\$5,000.00), or by imprisonment for not less than one (1) year nor more than five (5) years, or both.

(5) The intentional failure of an election official to require a voter to present identification as required by this section shall be considered corrupt conduct under Section 97-13-19 and shall be reported to the Secretary of State and the Attorney General.

SECTION 2. (1) The Secretary of State shall negotiate a Memorandum of Understanding which shall be entered into by the Mississippi Department of Public Safety and the registrar of each county for the purpose of providing a Mississippi Voter Identification Card. Such card shall be valid for the purpose of

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voter identification purposes under Section 1 of this act and available only to registered voters of this state. No fee shall be charged or collected for the application for or issuance of a Mississippi Voter Identification Card. Any costs associated with the application for or issuance of a Mississippi Voter Identification Card shall be made payable from the state's General Fund.

(2) The registrar of each county shall provide a location in the registrar's office at which he or she shall accept applications for Mississippi Voter Identification Cards in accordance with the Mississippi Constitution; however, in counties having two (2) judicial districts the registrar shall provide a location in the registrar's office in each judicial district at which he or she shall accept applications for Mississippi Voter Identification Cards in accordance with the Mississippi Constitution.

(3) No person shall be eligible for a Mississippi Voter Identification Card if the person has a valid unexpired Mississippi driver's license or an identification card issued under Section 45-35-1 et seq.

(4) (a) The Mississippi Voter Identification Card shall be captioned "MISSISSIPPI VOTER IDENTIFICATION CARD" and shall contain a prominent statement that under Mississippi law it is valid only as identification for voting purposes. The identification card shall include the following information regarding the applicant:

- (i) Full legal name;
- (ii) Legal residence address;
- (iii) Mailing address, if different; and
- (iv) Voting information.

(b) The Mississippi Voter Identification Card shall also contain the date the voter identification card was issued,

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the county in which the voter is registered and such other information as required by the Secretary of State.

(5) The application shall be signed and sworn to by the applicant and any falsification or fraud in the making of the application shall constitute false swearing under Section 97-7-35.

(6) The registrar shall require presentation and verification of any of the following information during the application process before issuance of a Mississippi Voter Identification Card:

- (a) A photo identity document; or
- (b) Documentation showing the person's date and place of birth; or
- (c) A social security card; or
- (d) A Medicare card; or
- (e) A Medicaid card; or
- (f) Such other acceptable evidence of verification of residence in the county as determined by the Secretary of State.

(7) A Mississippi Voter Identification Card shall remain valid for as long as the cardholder resides at the same address and remains qualified to vote. It shall be the duty of a person who moves his or her residence within this state to surrender his or her voter identification card to the registrar of the county of his or her new residence and such person may thereafter apply for and receive a new card if such person is eligible under this section. It shall be the duty of a person who moves his or her residence outside this state or who ceases to be qualified to vote to surrender his or her card to the registrar who issued it.

(8) The Secretary of State, in conjunction with the Mississippi Department of Public Safety, shall adopt rules and regulations for the administration of this section.

SECTION 3. Section 23-15-135, Mississippi Code of 1972, is amended as follows:

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23-15-135. (1) The registration books of the several voting precincts of each county and the pollbooks heretofore in use shall be delivered to the registrar of the county, and they, together with the registration books and pollbooks hereafter made, shall be records of his office, and he shall carefully preserve the same as such; and after each election the pollbooks shall be speedily returned to the office of the registrar.

(2) The registrar of each county shall provide a location in the registrar's office at which he or she shall accept applications for Mississippi Voter Identification Cards in accordance with the Mississippi Constitution.

(3) The registrar of each county shall enter into a Memorandum of Understanding, which is negotiated by the Secretary of State, with the Mississippi Department of Public Safety for the purpose of providing a Mississippi Voter Identification Card.

SECTION 4. Section 23-15-11, Mississippi Code of 1972, is amended as follows:

23-15-11. Every inhabitant of this state, except persons adjudicated to be non compos mentis, who is a citizen of the United States of America, eighteen (18) years old and upwards, who has resided in this state for thirty (30) days and for thirty (30) days in the county in which he seeks to vote, and for thirty (30) days in the incorporated municipality in which he seeks to vote, and who has been duly registered as an elector under Section 23-15-33, and who has never been convicted of any crime listed in Section 241, Mississippi Constitution of 1890, shall be a qualified elector in and for the county, municipality and voting precinct of his residence, and shall be entitled to vote at any election upon compliance with Section 1 of House Bill No. 921, 2012 Regular Session. Any person who will be eighteen (18) years of age or older on or before the date of the general election and who is duly registered to vote not less than thirty (30) days before the primary election associated with the general election,

may vote in the primary election even though the person has not reached his or her eighteenth birthday at the time that the person seeks to vote at the primary election. No others than those specified in this section shall be entitled, or shall be allowed, to vote at any election.

SECTION 5. Section 23-15-541, Mississippi Code of 1972, is amended as follows:

23-15-541. (1) At all elections, the polls shall be opened at seven o'clock in the morning and be kept open until seven o'clock in the evening and no longer. Upon the opening of the polls, and not before, the managers of the election shall designate two (2) of their number, other than the manager theretofore designated to receive the blank ballots, who shall thereupon be known respectively as the initialing manager and the alternate initialing manager. The alternate initialing manager, in the absence of the initialing manager, shall perform all of the duties and undertake all of the responsibilities of the initialing manager. When any person entitled to vote shall appear to vote, the managers shall identify the voter by requiring the voter to submit identification as required by Section 1 of House Bill No. 921, 2012 Regular Session, and then the voter shall * * * sign his name in a receipt book or booklet provided for that purpose and to be used at that election only and said receipt book or booklet shall be used in lieu of the list of voters who have voted formerly made by the managers or clerks; whereupon and not before, the initialing manager or, in his absence, the alternate initialing manager shall endorse his initials on the back of an official blank ballot, prepared in accordance with law, and at such place on the back of the ballot that the initials may be seen after the ballot has been marked and folded, and when so endorsed he shall deliver it to the voter, which ballot the voter shall mark in the manner provided by law, which when done the voter shall deliver the ballot to the initialing manager or, in his

absence, to the alternate initialing manager, in the presence of the others, and the manager shall see that the ballot so delivered bears on the back thereof the genuine initials of the initialing manager, or alternate initialing manager, and if so, but not otherwise, the ballot shall be put into the ballot box; and when so done one (1) of the managers or a duly appointed clerk shall make the proper entry on the pollbook. If the voter is unable to write his name on the receipt book, a manager or clerk shall note on the back of the ballot that it was receipted for by his assistance.

(2) (a) A poll manager shall be authorized to allow a physically disabled person to vote curbside during the hours in which the polls are open as described in this section.

Where the managers of an election, exercising their sound discretion, determine that a physically disabled person has arrived at the polls in a motor vehicle to vote, two (2) or more managers shall carry the pollbook, the receipt book, and a ballot or voting device to the motor vehicle, and after determining whether the disabled person is a qualified elector as provided by law, shall allow the disabled elector to cast his or her ballot in secret. After the disabled elector casts his or her ballot, the managers shall mark the pollbook "voted" by the elector's name in the pollbook.

(b) If the ballot that is provided to the disabled elector is a paper ballot, the initialing manager shall initial the ballot as provided by law, and the disabled elector, after marking his or her ballot shall fold the ballot or place it in the ballot sleeve. The initialing manager or alternate initialing manager shall determine whether the initials on the ballot are genuine, and upon a determination that the initials are genuine, mark "voted" by the elector's name. The initialing manager or alternate initialing manager shall without delay place the ballot in the ballot box.

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(c) If, while a voter is voting by curbside, there are less than three (3) managers immediately present within the polling place conducting an election or a political party primary, all voting at the polls shall stop until the managers conducting the curbside voting procedure return so that there are at least three (3) poll managers immediately present within the polling place to conduct the election or party primary at all times, and until a minimum of three (3) managers are present, the remaining poll manager or managers shall ensure the security of the ballot box, the voting devices, and any ballots and election materials.

SECTION 6. Section 23-15-631, Mississippi Code of 1972, is amended as follows:

23-15-631. (1) The registrar shall enclose with each ballot provided to an absent elector separate printed instructions furnished by him containing the following:

(a) All absentee voters, excepting those with temporary or permanent physical disabilities or those who are sixty-five (65) years of age or older, who mark their ballots in the county of the residence shall use the registrar of that county as the witness. The absentee voter shall come to the office of the registrar and neither the registrar nor his deputy shall be required to go out of the registrar's office to serve as an attesting witness.

(b) Upon receipt of the enclosed ballot, you will not mark the ballot except in view or sight of the attesting witness. In the sight or view of the attesting witness, mark the ballot according to instructions.

(c) After marking the ballot, fill out and sign the "ELECTOR'S CERTIFICATE" on back of the envelope so that the signature shall be across the flap of the envelope so as to insure the integrity of the ballot. All absent electors shall have the attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across the flap on back of the envelope. Place necessary postage on the

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envelope and deposit it in the post office or some government receptacle provided for deposit of mail so that the absent elector's ballot, excepting presidential absentee ballots, will reach the registrar in which your precinct is located not later than 5:00 p.m. on the day preceding the date of the election.

Any notary public, United States postmaster, assistant United States postmaster, United States postal supervisor, clerk in charge of a contract postal station, or any officer having authority to administer an oath or take an acknowledgment may be an attesting witness; provided, however, that in the case of an absent elector who is temporarily or permanently physically disabled, the attesting witness may be any person eighteen (18) years of age or older and such person is not required to have the authority to administer an oath. If a postmaster, assistant postmaster, postal supervisor, or clerk in charge of a contract postal station acts as an attesting witness, his signature on the elector's certificate must be authenticated by the cancellation stamp of their respective post offices. If one or the other officers herein named acts as attesting witness, his signature on the elector's certificate, together with his title and address, but no seal, shall be required. Any affidavits made by an absent elector who is in the Armed Forces may be executed before a commissioned officer, warrant officer, or noncommissioned officer not lower in grade than sergeant rating or any person authorized to administer oaths.

(d) When the application accompanies the ballot it shall not be returned in the same envelope as the ballot but shall be returned in a separate preaddressed envelope provided by the registrar.

(e) A person who is a candidate for public office may not be an attesting witness for any absentee ballot upon which the person's name appears.

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(f) Any voter casting an absentee ballot who declares that he requires assistance to vote by reason of blindness, temporary or permanent physical disability or inability to read or write, shall be entitled to receive assistance in the marking of his absentee ballot and in completing the affidavit on the absentee ballot envelope. The voter may be given assistance by anyone of the voter's choice other than a candidate whose name appears on the absentee ballot being marked, or the voter's employer, or agent of that employer. In order to ensure the integrity of the ballot, any person who provides assistance to an absentee voter shall be required to sign and complete the "Certificate of Person Providing Voter Assistance" on the absentee ballot envelope.

(2) The foregoing instructions required to be provided by the registrar to the elector shall also constitute the substantive law pertaining to the handling of absentee ballots by the elector and registrar.

(3) The Secretary of State shall prepare instructions on how absent voters may comply with the identification requirements of Section 1 of House Bill No. 921, 2012 Regular Session.

SECTION 7. Section 23-15-639, Mississippi Code of 1972, is amended as follows:

23-15-639. (1) In elections in which direct recording electronic voting systems are not utilized, the examination and counting of absentee ballots shall be conducted as follows:

(a) At the close of the regular balloting and at the close of the polls, the election managers of each voting precinct shall first take the envelopes containing the absentee ballots of such electors from the box, and the name, address and precinct inscribed on each envelope shall be announced by the election managers.

(b) The signature on the application shall then be compared with the signature on the back of the envelope. If it

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corresponds and the affidavit, if one is required, is sufficient and the election managers find that the applicant is a registered and qualified voter or otherwise qualified to vote, and that he has not appeared in person and voted at the election, the envelope shall then be opened and the ballot removed from the envelope, without its being unfolded, or permitted to be unfolded or examined.

(c) Having observed and found the ballot to be regular as far as can be observed from its official endorsement, the election managers shall deposit it in the ballot box with the other ballots before counting any ballots and enter the voter's name in the receipt book provided for that purpose and mark "VOTED" in the pollbook or poll list as if he had been present and voted in person. If voting machines are used, all absentee ballots shall be placed in the ballot box before any ballots are counted, and the election managers in each precinct shall immediately count such absentee ballots and add them to the votes cast in the voting machine or device.

(2) In elections in which direct recording electronic voting systems are utilized, the examination and counting of absentee ballots shall be conducted as follows:

(a) At the close of the regular balloting and at the close of the polls, the election managers of each voting precinct shall first take the envelopes containing the absentee ballots of such electors from the box, and the name, address and precinct inscribed on each envelope shall be announced by the election managers.

(b) The signature on the application shall then be compared with the signature on the back of the envelope. If it corresponds and the affidavit, if one is required, is sufficient and the election managers find that the applicant is a registered and qualified voter or otherwise qualified to vote, and that he has not appeared in person and voted at the election, the unopened

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envelope shall be marked "ACCEPTED" and the election managers shall enter the voter's name in the receipt book provided for that purpose and mark "VOTED" in the pollbook or poll list as if he had been present and voted in person.

(c) All absentee ballot envelopes shall then be placed in the secure ballot transfer case and delivered to the officials in charge of conducting the election at the central tabulation point of the county. The official in charge of the election shall open the envelopes marked "ACCEPTED" and remove the ballot from the envelope.

(d) Having observed the ballot to be regular as far as can be observed from its official endorsement, the absentee ballot shall be processed through the central optical scanner. The scanned totals shall then be combined with the direct recording electronic voting system totals for the unofficial vote count.

When there is a conflict between an electronic voting system and a paper record, then there is a rebuttable presumption that the paper record is correct.

(3) The election managers shall also take such action as may be prescribed by the Secretary of State to ensure compliance with the identification requirements of Section 1 of House Bill No. 921, 2012 Regular Session.

SECTION 8. Section 23-15-719, Mississippi Code of 1972, is amended as follows:

23-15-719. (1) Immediately upon completion of an application filed pursuant to the provisions of paragraph (a) of Section 23-15-715, the registrar shall deliver the necessary ballots to the applicant. The registrar shall identify the applicant by requiring him to present identification as required by Section 1 of House Bill No. 921, 2012 Regular Session, and shall then deliver the ballots to the applicant by mail or to the applicant in the registrar's office. The registrar shall not personally hand deliver ballots to voters, unless he delivers the

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ballots in the office of the registrar. The elector shall fill in his ballot in secret. After the applicant has properly marked the ballot and properly folded it, he shall deposit it in the envelope furnished him by the registrar.

After he has sealed the envelope, he shall subscribe and swear to an affidavit in the following form, which shall be printed on the back of the envelope containing the applicant's ballot:

"STATE OF MISSISSIPPI

COUNTY OF _____

I, _____, do solemnly swear that this envelope contains the ballot marked by me indicating my choice of the candidates or propositions to be submitted at the election to be held on the ____ day of _____, 2____, and I hereby authorize the registrar to place this envelope in the ballot box on my behalf, and I further authorize the election managers to open this envelope and place my ballot among the other ballots cast before such ballots are counted, and record my name on the poll list as if I were present in person and voted.

I further swear that I marked the enclosed ballot in secret.

(Signature of voter)

SWORN TO AND SUBSCRIBED before me, _____, this the ____ day of _____, 2____.

(Registrar) _____

(Registrar) "

After the completion of the requirements of this section, the elector shall deliver the envelope containing the ballot to the registrar.

(2) If the voter has received assistance in marking his ballot, the person providing the assistance shall complete the following form which shall be printed on the back of the envelope containing the applicant's ballot:

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"CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

(To be completed only if the voter has received assistance in marking the enclosed ballot.) I hereby certify that the above-named voter declared to me that he or she is blind, temporarily or permanently physically disabled, or cannot read or write, and that the voter requested that I assist the voter in marking the enclosed absentee ballot. I hereby certify that the ballot preferences on the enclosed ballot are those communicated by the voter to me, and that I have marked the enclosed ballot in accordance with the voter's instructions.

Signature of person providing assistance

Printed name of person providing assistance

Address of person providing assistance

Date and time assistance provided

Family relationship to voter (if any)"

(3) The envelope used pursuant to this section shall not contain the form prescribed by Section 23-15-635 and shall have printed on the flap on the back of the envelope in bold print and in a distinguishing color, the following: **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

SECTION 9. Section 45-1-37, Mississippi Code of 1972, is amended as follows:

45-1-37. (1) The Commissioner of Public Safety is hereby authorized and directed to seek reciprocal agreements with bordering states to allow law enforcement officers of the State of Mississippi to enter into such bordering states while in pursuit of persons who have committed crimes for the purpose of

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apprehending and arresting such persons. Any state who enters into such reciprocal agreement shall be authorized to enter into the State of Mississippi for the same purpose.

(2) The Commissioner of Public Safety shall require the Department of Public Safety to enter into a Memorandum of Understanding, which is negotiated by the Secretary of State, with the registrar of each county for the purpose of providing a Mississippi Voter Identification Card.

SECTION 10. Immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, the Attorney General of the State of Mississippi, or other appropriates official of the State of Mississippi or any other authorized person on behalf of the State of Mississippi, shall submit this act to the Attorney General of the United States or to the United States District Court for the district of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended. For the purposes of this act, the Legislature authorizes the Governor of the State of Mississippi, the Secretary of State of the State of Mississippi, or the chairpersons of the elections and Apportionment Committee of the Mississippi House of Representatives and the Elections Committee of the Mississippi Senate, said chairpersons acting jointly, to make the requisite submissions in accordance with the Voting Rights Act of 1965, as amended and extended.

SECTION 11. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

Mississippi Legislature
2012 Regular Session

House Bill 927

Description: State Auditor's office; revise certain powers and duties relating to audits of state agencies.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2012

Chapter Number: 567

History of Actions:

- 1 02/20 (H) Referred To Appropriations
- 2 03/06 (H) Title Suff Do Pass
- 3 03/15 (H) Passed
- 4 03/16 (H) Transmitted To Senate
- 5 03/28 (S) Referred To Accountability, Efficiency, Transparency
- 6 04/03 (S) Title Suff Do Pass As Amended
- 7 04/10 (S) Amended
- 8 04/10 (S) Passed As Amended
- 9 04/11 (S) Returned For Concurrence
- 10 04/13 (H) Decline to Concur/Invite Conf
- 11 04/20 (H) Conferees Named Frierson, Shows, Huddleston (15th)
- 12 04/27 (S) Conferees Named Collins, Brown, Wilemon
- 13 04/28 (S) Conference Report Filed
- 14 04/28 (H) Conference Report Filed
- 15 04/29 (H) Conference Report Adopted
- 16 05/01 (S) Conference Report Adopted
- 17 05/08 (H) Enrolled Bill Signed
- 18 05/09 (S) Enrolled Bill Signed
- 19 05/23 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 927

Conference Reports:

Conference Report

Code Section: A 007-0007-0211, A 007-0007-0213, A 029-0009-0013

----- Additional Information -----

House Committee: Appropriations

Senate Committee: Accountability, Efficiency, Transparency

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Principal Author: Rogers (14th)

Additional Authors: Huddleston (15th)

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representatives Rogers (14th),
Huddleston (15th)

To: Appropriations

HOUSE BILL NO. 927
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 7-7-211 AND 7-7-213, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN POWERS AND DUTIES OF THE STATE AUDITOR'S OFFICE, TO IDENTIFY ALL ACCOUNTING PRINCIPLES PROMULGATED BY NATIONALLY RECOGNIZED PROFESSIONAL ORGANIZATIONS; TO REQUIRE THE PAYMENT OF ANY ADDITIONAL COSTS INCURRED BY A STATE AGENCY FOR THE USE OF ANY INDEPENDENT SPECIALIST OR FIRM CONTRACTED BY THE STATE AUDITOR TO ASSIST IN THE PERFORMANCE OF AUDITS; TO AMEND SECTION 29-9-13, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT THE STATE AUDITOR'S OFFICE RECONCILE ALL INVOICES AND RECORDS WITH STATE AGENCIES' PROPERTY INVENTORIES; TO REMOVE THE REPORTING REQUIREMENT IMPOSED UPON THE STATE AUDITOR TO REPORT ALL AUDITS OF STATE AGENCIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 7-7-211, Mississippi Code of 1972, is amended as follows:

7-7-211. (1) The department shall have the power and it shall be its duty:

(a) To identify and define for all public offices of the state and its subdivisions generally accepted accounting principles or other accounting principles as promulgated by nationally recognized professional organizations and to consult with the State Fiscal Officer in the prescription and implementation of accounting rules and regulations;

(b) To provide best practices, for all public offices of regional and local subdivisions of the state, systems of accounting, budgeting and reporting financial facts relating to said offices in conformity with legal requirements and with generally accepted accounting principles or other accounting principles as promulgated by nationally recognized professional organizations; to assist such subdivisions in need of assistance

in the installation of such systems; to revise such systems when deemed necessary, and to report to the Legislature at periodic times the extent to which each office is maintaining such systems, along with such recommendations to the Legislature for improvement as seem desirable;

(c) To study and analyze existing managerial policies, methods, procedures, duties and services of the various state departments and institutions upon written request of the Governor, the Legislature or any committee or other body empowered by the Legislature to make such request to determine whether and where operations can be eliminated, combined, simplified and improved;

(d) To postaudit each year and, when deemed necessary, preaudit and investigate the financial affairs of the departments, institutions, boards, commissions or other agencies of state government, as part of the publication of a comprehensive annual financial report for the State of Mississippi. In complying with the requirements of this paragraph, the department shall have the authority to conduct all necessary audit procedures on an interim and year-end basis;

(e) To postaudit and, when deemed necessary, preaudit and investigate separately the financial affairs of (i) the offices, boards and commissions of county governments and any departments and institutions thereof and therein; (ii) public school districts, departments of education and junior college districts; and (iii) any other local offices or agencies which share revenues derived from taxes or fees imposed by the State Legislature or receive grants from revenues collected by governmental divisions of the state; the cost of such audits, investigations or other services to be paid as follows: Such part shall be paid by the state from appropriations made by the Legislature for the operation of the State Department of Audit as may exceed the sum of Thirty Dollars (\$30.00) per man hour for the services of each staff person engaged in performing the audit or

other service plus the actual cost of any independent specialist firm contracted by the State Auditor to assist in the performance of the audit, which sum shall be paid by the county, district, department, institution or other agency audited out of its general fund or any other available funds from which such payment is not prohibited by law. Costs paid for independent specialists or firms contracted by the State Auditor shall be paid by the audited entity through the State Auditor to the specialist or firm conducting the postaudit.

Each school district in the state shall have its financial records audited annually, at the end of each fiscal year, either by the State Auditor or by a certified public accountant approved by the State Auditor. Beginning with the audits of fiscal year 2010 activity, no certified public accountant shall be selected to perform the annual audit of a school district who has audited that district for three (3) or more consecutive years previously. Certified public accountants shall be selected in a manner determined by the State Auditor. The school district shall have the responsibility to pay for the audit, including the review by the State Auditor of audits performed by certified public accountants;

(f) To postaudit and, when deemed necessary, preaudit and investigate the financial affairs of the levee boards; agencies created by the Legislature or by executive order of the Governor; profit or nonprofit business entities administering programs financed by funds flowing through the State Treasury or through any of the agencies of the state, or its subdivisions; and all other public bodies supported by funds derived in part or wholly from public funds, except municipalities which annually submit an audit prepared by a qualified certified public accountant using methods and procedures prescribed by the department;

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(g) To make written demand, when necessary, for the recovery of any amounts representing public funds improperly withheld, misappropriated and/or otherwise illegally expended by an officer, employee or administrative body of any state, county or other public office, and/or for the recovery of the value of any public property disposed of in an unlawful manner by a public officer, employee or administrative body, such demands to be made (i) upon the person or persons liable for such amounts and upon the surety on official bond thereof, and/or (ii) upon any individual, partnership, corporation or association to whom the illegal expenditure was made or with whom the unlawful disposition of public property was made, if such individual, partnership, corporation or association knew or had reason to know through the exercising of reasonable diligence that the expenditure was illegal or the disposition unlawful. Such demand shall be premised on competent evidence, which shall include at least one (1) of the following: (i) sworn statements, (ii) written documentation, (iii) physical evidence, or (iv) reports and findings of government or other law enforcement agencies. Other provisions notwithstanding, a demand letter issued pursuant to this paragraph shall remain confidential by the State Auditor until the individual against whom the demand letter is being filed has been served with a copy of such demand letter. If, however, such individual cannot be notified within fifteen (15) days using reasonable means and due diligence, such notification shall be made to the individual's bonding company, if he or she is bonded. Each such demand shall be paid into the proper treasury of the state, county or other public body through the office of the department in the amount demanded within thirty (30) days from the date thereof, together with interest thereon in the sum of one percent (1%) per month from the date such amount or amounts were improperly withheld, misappropriated and/or otherwise illegally expended. In the event, however, such person or persons or such

surety shall refuse, neglect or otherwise fail to pay the amount demanded and the interest due thereon within the allotted thirty (30) days, the State Auditor shall have the authority and it shall be his duty to institute suit, and the Attorney General shall prosecute the same in any court of the state to the end that there shall be recovered the total of such amounts from the person or persons and surety on official bond named therein; and the amounts so recovered shall be paid into the proper treasury of the state, county or other public body through the State Auditor. In any case where written demand is issued to a surety on the official bond of such person or persons and the surety refuses, neglects or otherwise fails within one hundred twenty (120) days to either pay the amount demanded and the interest due thereon or to give the State Auditor a written response with specific reasons for nonpayment, then the surety shall be subject to a civil penalty in an amount of twelve percent (12%) of the bond, not to exceed Ten Thousand Dollars (\$10,000.00), to be deposited into the State General Fund;

(h) To investigate any alleged or suspected violation of the laws of the state by any officer or employee of the state, county or other public office in the purchase, sale or the use of any supplies, services, equipment or other property belonging thereto; and in such investigation to do any and all things necessary to procure evidence sufficient either to prove or disprove the existence of such alleged or suspected violations. The Department of Investigation of the State Department of Audit may investigate, for the purpose of prosecution, any suspected criminal violation of the provisions of this chapter. For the purpose of administration and enforcement of this chapter, the enforcement employees of the Department of Investigation of the State Department of Audit have the powers of a law enforcement officer of this state, and shall be empowered to make arrests and to serve and execute search warrants and other valid legal process

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anywhere within the State of Mississippi. All enforcement employees of the Department of Investigation of the State Department of Audit hired on or after July 1, 1993, shall be required to complete the Law Enforcement Officers Training Program and shall meet the standards of the program;

(i) To issue subpoenas, with the approval of, and returnable to, a judge of a chancery or circuit court, in termtime or in vacation, to examine the records, documents or other evidence of persons, firms, corporations or any other entities insofar as such records, documents or other evidence relate to dealings with any state, county or other public entity. The circuit or chancery judge must serve the county in which the records, documents or other evidence is located; or where all or part of the transaction or transactions occurred which are the subject of the subpoena;

(j) In any instances in which the State Auditor is or shall be authorized or required to examine or audit, whether preaudit or postaudit, any books, ledgers, accounts or other records of the affairs of any public hospital owned or owned and operated by one or more political subdivisions or parts thereof or any combination thereof, or any school district, including activity funds thereof, it shall be sufficient compliance therewith, in the discretion of the State Auditor, that such examination or audit be made from the report of any audit or other examination certified by a certified public accountant and prepared by or under the supervision of such certified public accountant. Such audits shall be made in accordance with generally accepted standards of auditing, with the use of an audit program prepared by the State Auditor, and final reports of such audits shall conform to the format prescribed by the State Auditor. All files, working papers, notes, correspondence and all other data compiled during the course of the audit shall be available, without cost, to the State Auditor for examination and

abstracting during the normal business hours of any business day. The expense of such certified reports shall be borne by the respective hospital, or any available school district funds other than minimum program funds, subject to examination or audit. The State Auditor shall not be bound by such certified reports and may, in his or their discretion, conduct such examination or audit from the books, ledgers, accounts or other records involved as may be appropriate and authorized by law;

(k) The State Auditor shall have the authority to contract with qualified public accounting firms to perform selected audits required in paragraphs (d), (e), (f) and (j) of this section, if funds are made available for such contracts by the Legislature, or if funds are available from the governmental entity covered by paragraphs (d), (e), (f) and (j). Such audits shall be made in accordance with generally accepted standards of auditing. All files, working papers, notes, correspondence and all other data compiled during the course of the audit shall be available, without cost, to the State Auditor for examination and abstracting during the normal business hours of any business day;

(l) The State Auditor shall have the authority to establish training courses and programs for the personnel of the various state and local governmental entities under the jurisdiction of the Office of the State Auditor. The training courses and programs shall include, but not be limited to, topics on internal control of funds, property and equipment control and inventory, governmental accounting and financial reporting, and internal auditing. The State Auditor is authorized to charge a fee from the participants of these courses and programs, which fee shall be deposited into the Department of Audit Special Fund. State and local governmental entities are authorized to pay such fee and any travel expenses out of their general funds or any other available funds from which such payment is not prohibited by law;

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(m) Upon written request by the Governor or any member of the State Legislature, the State Auditor may audit any state funds and/or state and federal funds received by any nonprofit corporation incorporated under the laws of this state;

(n) To conduct performance audits of personal or professional service contracts by state agencies on a random sampling basis, or upon request of the State Personal Service Contract Review Board under Section 25-9-120(3).

(2) The provisions of this section shall stand repealed on July 1, 2015.

SECTION 2. Section 7-7-213, Mississippi Code of 1972, is amended as follows:

7-7-213. (1) The costs of audits and other services required by Sections 7-7-201 through 7-7-215, except for those audits and services authorized by Section 7-7-211(k) which shall be funded by appropriations made by the Legislature from such funds as it deems appropriate, shall be paid from a special fund hereby created in the State Treasury, to be known as the State Department of Audit Fund, into which will be paid each year the amounts received for performing audits required by law. Except as provided in Section 7-7-211(d) and any municipality required under this chapter to be audited by the State Auditor, the amounts to be charged for performing audits and other services shall be the actual cost, not to exceed Thirty Dollars (\$30.00) per man hour plus the actual cost of any independent specialist firm contracted by the State Auditor to assist in the performance of the audit. Costs paid for independent specialists or firms contracted by the State Auditor shall be paid by the audited entity through the State Auditor to the specialist or firm conducting the audit. In the event of failure by any unit of government to pay the charges authorized herein, the Department of Audit shall notify the State Fiscal Officer, and upon a determination that the charges are substantially correct, the State Fiscal Officer shall notify the

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defaulting unit of his determination. If payment is not made within thirty (30) days after such notification, the State Fiscal Officer shall notify the State Treasurer and Department of Public Accounts that no further warrants are to be issued to the defaulting unit until the deficiency is paid. *

(2) The cost of any service by the department not required of it under the provisions of the cited sections but made necessary by the willful fault or negligence of an officer or employee of any public office of the state shall be recovered (i) from such officer or employee and/or surety on official bond thereof and/or (ii) from the individual, partnership, corporation or association involved, in the same manner and under the same terms, when necessary, as provided the department for recovering public funds in Section 7-7-211.

(3) The State Auditor shall deliver a copy of any audit of the fiscal and financial affairs of a county to the chancery clerk of such county and shall deliver a notice stating that a copy of such audit is on file in the chancery clerk's office to some newspaper published in the county to be published. If no newspaper is published in the county, a copy of such notice shall be delivered to a newspaper having a general circulation therein.

(4) The provisions of this section shall stand repealed on July 1, 2015.

SECTION 3. Section 29-9-13, Mississippi Code of 1972, is amended as follows:

29-9-13. (1) Representatives of the State * * * Auditor's office under the direction of the State Auditor * * *, in making regular audits of the different state agencies, * * * shall make a check or physical audit of the actual items or properties shown on their inventories and related records. Each state agency, the Secretary of the Senate, and the Clerk of the House of Representatives, when requested to do so, shall furnish a competent person or persons to assist in this check or physical

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audit. The auditor shall keep his records current at all times and shall report to the agency concerned * * * and the general status of the inventory involved, on the completion of each audit. * * *

(2) The provisions of this section shall stand repealed on July 1, 2015.

SECTION 4. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

House Bill 929

Description: Traffic tickets; allow electronic submission of those issued for violations of the Mississippi Implied Consent Law.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 550

History of Actions:

- 1 02/20 (H) Referred To Judiciary B
- 2 03/01 (H) Title Suff Do Pass Comm Sub
- 3 03/08 (H) Committee Substitute Adopted
- 4 03/08 (H) Amended
- 5 03/08 (H) Passed As Amended
- 6 03/09 (H) Transmitted To Senate
- 7 03/16 (S) Referred To Judiciary, Division B
- 8 04/03 (S) Title Suff Do Pass As Amended
- 9 04/11 (S) Amended
- 10 04/11 (S) Passed As Amended
- 11 04/12 (S) Returned For Concurrence
- 12 04/20 (H) Decline to Concur/Invite Conf
- 13 04/24 (H) Conferees Named Gipson, DeBar, White
- 14 04/27 (S) Conferees Named Bryan, Blount, Tollison
- 15 04/28 (S) Conference Report Filed
- 16 04/28 (H) Conference Report Filed
- 17 04/29 (H) Conference Report Adopted
- 18 05/02 (S) Conference Report Adopted
- 19 05/08 (H) Enrolled Bill Signed
- 20 05/09 (S) Enrolled Bill Signed
- 21 05/22 Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub) *Adopted*

[S] Committee Amendment No 1 *Adopted*

[S] Amendment No 1 to Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 929

Conference Reports:

Conference Report

Code Section: A 063-0009-0021, A 063-0011-0005

----- Additional Information -----

House Committee: Judiciary B

Senate Committee: Judiciary, Division B

Principal Author: Gipson

Additional Authors: Gardner

2012 GENERAL LAWS OF MISSISSIPPI, HB 929

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representatives Gipson, Gardner

To: Judiciary B

HOUSE BILL NO. 929
(As Sent to Governor)

AN ACT TO AMEND SECTION 63-9-21, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL 2802, 2012 REGULAR SESSION, TO AUTHORIZE THE ELECTRONIC SUBMISSION OF TRAFFIC TICKETS ISSUED FOR VIOLATIONS OF THE MISSISSIPPI IMPLIED CONSENT LAW; TO REQUIRE THAT ALL TRAFFIC TICKETS FILED ELECTRONICALLY SHALL BE FILED AUTOMATICALLY WITH THE CLERK OF THE MUNICIPAL COURT, CLERK OF THE JUSTICE COURT AND THE COMMISSIONER OF PUBLIC SAFETY USING THE SYSTEM OF ELECTRONIC SUBMISSION; TO AMEND SECTION 63-11-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-9-21, Mississippi Code of 1972, as amended by Senate Bill 2802, 2012 Regular Session, is amended as follows:

63-9-21. (1) This section shall be known as the Uniform Traffic Ticket Law.

(2) All traffic tickets, except traffic tickets filed electronically as provided under subsection (8) of this section, shall be printed in the original and at least two (2) copies and such other copies as may be prescribed by the Commissioner of Public Safety. All traffic tickets shall be uniform as prescribed by the Commissioner of Public Safety and the Attorney General, except as otherwise provided in subsection (3)(b) and except that the Commissioner of Public Safety and the Attorney General may alter the form and content of traffic tickets to meet the varying requirements of the different law enforcement agencies. The Commissioner of Public Safety and the Attorney General shall prescribe a separate traffic ticket, consistent with the provisions of subsection (3)(b) of this section, to be used exclusively for violations of the Mississippi Implied Consent Law.

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(3) (a) * * * Every traffic ticket issued by any sheriff, deputy sheriff, constable, county patrol officer, municipal police officer or State Highway Patrol officer for any violation of traffic or motor vehicle laws shall be issued on the uniform traffic ticket or uniform implied consent violation ticket consisting of an original and at least two (2) copies and such other copies as may be prescribed by the Commissioner of Public Safety.

(b) The traffic ticket, citation or affidavit issued to a person arrested for a violation of the Mississippi Implied Consent Law * * * shall contain a place for the trial judge hearing the case or accepting the guilty plea, as the case may be, to sign, stating that the person arrested either employed an attorney or waived his right to an attorney after having been properly advised of his right to have an attorney. If the person arrested employed an attorney, the name, address and telephone number of the attorney shall be entered or written on the ticket, citation or affidavit.

(c) Every traffic ticket shall show, among other necessary information, the name of the issuing officer, the name of the court in which the cause is to be heard, and the date and time the person is to appear to answer the charge. The ticket shall include information that will constitute a complaint charging the offense for which the ticket was issued, and when duly sworn to and filed with a court of competent jurisdiction, prosecution may proceed thereunder.

(d) The traffic ticket shall contain a space to include the current address and current telephone number of the person being charged. It shall not contain a space to include the social security number of the person being charged * * *.

(4) All traffic tickets, except traffic tickets filed electronically under subsection (8) of this section, shall be bound in book form, shall be consecutively numbered and each

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traffic ticket shall be accounted for to the officer issuing such book. The traffic ticket books shall be issued to sheriffs, deputy sheriffs, constables and county patrol officers by the chancery clerk of their respective counties, to each municipal police officer by the clerk of the municipal court, and to each State Highway Patrol officer by the Commissioner of Public Safety.

(5) The chancery clerk, clerk of the municipal court and the Commissioner of Public Safety shall keep a record of all traffic ticket books issued and to whom issued, accounting for all books printed and issued. All traffic tickets submitted electronically shall be filed automatically with the Commissioner of Public Safety and either the clerk of the municipal court or clerk of the justice court using the system of electronic submission for the purpose of maintaining a record of account as prescribed by this subsection (5).

(6) The original traffic ticket, unless the traffic ticket is filed electronically as provided under subsection (8) of this section, shall be delivered by the officer issuing the traffic ticket to the clerk of the court to which it is returnable to be retained in that court's records and the number noted on the docket. However, if a ticket is issued and the person is incarcerated based upon the conduct for which the ticket was issued, the ticket shall be filed with the clerk of the court to which it is returnable no later than 5:00 p.m. on the next business day, excluding weekends and holidays, after the date and time of the person's incarceration; however, failure to timely file the traffic ticket shall not be grounds for dismissal of the traffic ticket and shall not prevent the person's release from incarceration. The officer issuing the traffic ticket shall also give the accused a copy of the traffic ticket. The clerk of the court shall file a copy with the Commissioner of Public Safety within forty-five (45) days after judgment is rendered showing such information about the judgment as may be required by the

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commissioner or, in cases in which no judgment has been rendered, within one hundred twenty (120) days after issuance of the ticket. Other copies that are prescribed by the commissioner pursuant to this section shall be filed or retained as may be designated by the commissioner. All copies shall be retained for at least two (2) years.

(7) Failure to comply with the provisions of this section shall constitute a misdemeanor and, upon conviction, shall be punishable by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00).

(8) (a) Law enforcement officers and agencies may file traffic tickets, including tickets issued for a violation of the Mississippi Implied Consent Law, by computer or electronic means if the ticket conforms in all substantive respects, including layout and content, as provided under subsections (2) or (3)(b) of this section. The provisions of subsection (4) of this section requiring tickets bound in book form do not apply to a ticket that is produced by computer or electronic means. Information concerning tickets produced by computer or electronic means shall be available for public inspection in substantially the same manner as provided for the uniform tickets described in subsection (2) of this section.

(b) The defendant shall be provided with a paper copy of the ticket. A law enforcement officer who files a ticket electronically shall be considered to have certified the ticket and has the same rights, responsibilities and liabilities as with all other tickets issued pursuant to this section.

* * *

SECTION 2. Section 63-11-5, Mississippi Code of 1972, is amended as follows:

63-11-5. (1) Any person who operates a motor vehicle upon the public highways, public roads and streets of this state shall be deemed to have given his consent, subject to the provisions of

this chapter, to a chemical test or tests of his breath for the purpose of determining alcohol concentration. A person shall give his consent to a chemical test or tests of his breath, blood or urine for the purpose of determining the presence in his body of any other substance which would impair a person's ability to operate a motor vehicle. The test or tests shall be administered at the direction of any highway patrol officer, any sheriff or his duly commissioned deputies, any police officer in any incorporated municipality, any national park ranger, any officer of a state-supported institution of higher learning campus police force if such officer is exercising this authority in regard to a violation that occurred on campus property, or any security officer appointed and commissioned pursuant to the Pearl River Valley Water Supply District Security Officer Law of 1978 if such officer is exercising this authority in regard to a violation that occurred within the limits of the Pearl River Valley Water Supply District, when such officer has reasonable grounds and probable cause to believe that the person was driving or had under his actual physical control a motor vehicle upon the public streets or highways of this state while under the influence of intoxicating liquor or any other substance which had impaired such person's ability to operate a motor vehicle. No such test shall be administered by any person who has not met all the educational and training requirements of the appropriate course of study prescribed by the Board on Law Enforcement Officers Standards and Training; provided, however, that sheriffs and elected chiefs of police shall be exempt from such educational and training requirement. No such tests shall be given by any officer or any agency to any person within fifteen (15) minutes of consumption of any substance by mouth.

(2) If the officer has reasonable grounds and probable cause to believe such person to have been driving a motor vehicle upon the public highways, public roads, and streets of this state while

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under the influence of intoxicating liquor, such officer shall inform such person that his failure to submit to such chemical test or tests of his breath shall result in the suspension of his privilege to operate a motor vehicle upon the public streets and highways of this state for a period of ninety (90) days in the event such person has not previously been convicted of a violation of Section 63-11-30, or, for a period of one (1) year in the event of any previous conviction of such person under Section 63-11-30.

(3) The traffic ticket, citation or affidavit issued to a person arrested for a violation of this chapter shall conform to the requirements of Section 63-9-21(3)(b), and, if filed electronically, shall conform to Section 63-9-21(8).

(4) Any person arrested under the provisions of this chapter shall be informed that he has the right to telephone for the purpose of requesting legal or medical assistance immediately after being booked for a violation under this chapter.

(5) The Commissioner of Public Safety and the State Crime Laboratory created pursuant to Section 45-1-17 are hereby authorized from and after the passage of this section to adopt procedures, rules and regulations, applicable to the Implied Consent Law.

SECTION 3. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

House Bill 1031

Description: MS Dyslexia Therapy Scholarship for Students with Dyslexia Program; create to provide dyslexic students with school choice.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 560

History of Actions:

1	02/20	(H)	Referred To Education;Appropriations
2	03/02	(H)	DR - TSDPCS: ED To AP
3	03/06	(H)	DR - TSDPCS: AP To ED
4	03/06	(H)	Title Suff Do Pass Comm Sub
5	03/13	(H)	Read the Third Time
6	03/15	(H)	Committee Substitute Adopted
7	03/15	(H)	Passed
8	03/19	(H)	Transmitted To Senate
9	03/22	(S)	Referred To Education;Appropriations
10	03/29	(S)	DR - TSDPAA: ED To AP
11	04/03	(S)	Title Suff Do Pass As Amended
12	04/04	(S)	Amended
13	04/04	(S)	Passed As Amended
14	04/05	(S)	Returned For Concurrence
15	04/13	(H)	Decline to Concur/Invite Conf
16	04/25	(H)	Conferees Named Moore,Byrd,Barker
17	04/25	(S)	Conferees Named Tollison,Collins,Hudson
18	04/30	(S)	Conference Report Filed
19	04/30	(H)	Conference Report Filed
20	05/01	(H)	Conference Report Adopted
21	05/02	(S)	Conference Report Adopted
22	05/08	(H)	Enrolled Bill Signed
23	05/09	(S)	Enrolled Bill Signed
24	05/23		Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 1031

Conference Reports:

Conference Report

----- Additional Information -----

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House Committee: Education, Appropriations

Senate Committee: Education, Appropriations

Principal Author: Byrd

Additional Authors: Aldridge, Boyd, Brown (20th), Carpenter, Chism, Gipson, Martinson, McLeod, Moore, Pigott, Rogers (61st), Weathersby, Gardner, Miles, Bounds, Howell, Turner, Barker, DeBar, Dixon

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representatives Byrd, Aldridge, Boyd,
Brown (20th), Carpenter, Chism, Gipson,
Martinson, McLeod, Moore, Pigott, Rogers
(61st), Weathersby, Gardner, Miles, Bounds,
Howell, Turner, Barker, DeBar, Dixon

To: Education;
Appropriations

HOUSE BILL NO. 1031
(As Sent to Governor)

AN ACT TO ESTABLISH THE MISSISSIPPI DYSLEXIA THERAPY SCHOLARSHIP FOR STUDENTS WITH DYSLEXIA PROGRAM; TO DEFINE CERTAIN TERMS USED IN THIS ACT; TO PROVIDE FOR STUDENT ELIGIBILITY REQUIREMENTS FOR RECEIPT OF A SCHOLARSHIP AND RESTRICTING ELIGIBILITY THEREFOR; TO PROVIDE FOR THE TERM OF THE SCHOLARSHIP; TO STIPULATE THE OBLIGATIONS OF PARENTS OR LEGAL GUARDIANS, STUDENTS AND SCHOOLS AND SCHOOL DISTRICTS; TO PRESCRIBE THE DUTIES OF THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF EDUCATION REGARDING THE ADMINISTRATION OF THE SCHOLARSHIP PROGRAM; TO PROVIDE THE DEPARTMENT OF EDUCATION WITH THE AUTHORITY TO VERIFY THE ELIGIBILITY OF NONPUBLIC SCHOOLS AND TO ESTABLISH THE PROCESS FOR NOTIFICATIONS OF VIOLATIONS; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO DENY, SUSPEND OR REVOKE A SCHOOL'S PARTICIPATION IN THE SCHOLARSHIP PROGRAM AND THE PROCEDURES TAKEN WITH RESPECT THEREFOR; TO REQUIRE THAT ALL COMPULSORY-SCHOOL-AGE CHILDREN BE SCREENED FOR DYSLEXIA DURING THE PERIOD BETWEEN THE SPRING OF KINDERGARTEN AND THE FALL OF GRADE 1 AND OTHER APPROPRIATE TIMES AS DEEMED NECESSARY IN THE PUBLIC SCHOOLS OF THIS STATE; TO ESTABLISH THE PROCEDURES TO BE FOLLOWED IN SCREENING AND EVALUATION OF STUDENTS FOR DYSLEXIA AND RELATED DISORDERS AND PRESCRIBING WHO SHALL ADMINISTER THE SCREENING AND EVALUATION; TO REQUIRE THAT SCHOOL DIAGNOSTICIANS RECEIVE ADDITIONAL TRAINING IN THE EVALUATION AND DIAGNOSIS OF DYSLEXIA; TO REQUIRE THAT STUDENTS RECEIVE COMPREHENSIVE ACADEMIC EVALUATIONS BY TRAINED DIAGNOSTICIANS IN THE DIAGNOSIS OF DYSLEXIA IF SCREENING INDICATES RISK OF DYSLEXIA; TO REQUIRE THE DEPARTMENT OF EDUCATION TO SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE SUMMARIZING STUDENT PERFORMANCE, STUDENT ASSESSMENTS, FUNDING AND ANY RECOMMENDED CHANGES; TO PRESCRIBE APPROPRIATE DYSLEXIA QUALIFICATIONS FOR ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO SERVE AS THE LOCAL EDUCATIONAL AGENCY FOR THOSE SCHOOLS; TO REQUIRE THE STATE TO PAY DIRECTLY TO THE SCHOOL ANY FEDERAL OR STATE AID ATTRIBUTABLE TO A STUDENT WITH A DISABILITY ATTENDING THE SCHOOL; TO REQUIRE THE SCHOOL TO COMPLY WITH THE ANNUAL AUDIT AND BUDGET SUBMISSION REQUIREMENTS PRESCRIBED BY LAW IN TITLE 37, MISSISSIPPI CODE OF 1972; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. As used in this act, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Board" means the State Board of Education.

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(b) "Department" means the State Department of Education.

(c) "Dyslexia" means a specific learning disability that is neurological in origin, characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities, which typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, and secondary consequences which may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

(d) "Dyslexia therapy" means an appropriate specialized dyslexia instructional program that is delivered by a Mississippi Department of Education licensed dyslexia therapist which is scientific, research-based, Orton-Gillingham based, and is offered in a small group setting to teach students the components of reading instruction which include:

(i) Phonemic awareness to enable students to detect, segment, blend and manipulate sounds in spoken language;

(ii) Graphophonemic knowledge (phonics) for teaching the letter-sound plan of English;

(iii) The entire structure of the English language that encompasses morphology, semantics, syntax and pragmatics;

(iv) Linguistic instruction directed toward proficiency and fluency with the patterns of language so that words and sentences are carriers of meaning; and

(v) Strategies that students use for decoding, encoding, word recognition, fluency and comprehension.

These components shall be taught using instructional approaches that include explicit, direct instruction which is systematic, sequential and cumulative, following a logical plan of presenting the alphabetic principle commensurate with the

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students' needs, with no assumption of prior skills or language knowledge; individualized to meet the specific learning needs of each individual student in a small group setting; intensive, highly concentrated instruction that maximizes student engagement and uses specialized methods and materials; meaning-based instruction directed toward purposeful reading and writing, with an emphasis on comprehension and composition; and multisensory instruction that incorporates the simultaneous use of two (2) or more sensory pathways during teacher presentations and student practice.

(e) "Dyslexia therapist" means a professional who has completed training in a department approved Orton-Gillingham based dyslexia therapy training program attaining a AA license in dyslexia therapy or a professional participating in a state approved dyslexia therapy training program to attain a AA license in dyslexia therapy.

(f) "Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program" means a scholarship to provide the option to attend a public school other than the one to which assigned, or to provide a scholarship to a nonpublic school of choice, for students in Grade 1 through Grade 6 diagnosed with dyslexia in order to receive comprehensive multisensory dyslexia therapy delivered by holders of an appropriate license in dyslexia therapy issued by the department.

(g) "School" means any public or state accredited nonpublic special purpose school that provides a specific learning environment that provides comprehensive dyslexia therapy instruction delivered by dyslexia therapists licensed by the department providing highly qualified education and intervention services to children diagnosed with the primary learning disability of dyslexia.

SECTION 2. The Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program is established to provide the

option to attend a public school other than the one to which assigned, or to provide a scholarship to a nonpublic school of choice, for students with a diagnosis of dyslexia. Students in Grades 1-6 who have been properly screened and diagnosed with dyslexia shall be eligible to receive scholarship assistance under this program.

SECTION 3. (1) Parents or legal guardians may exercise the option to remove their child from a traditional public school setting to be enrolled in a public or nonpublic school which meets the standards for appropriate specific instruction designed to meet the unique learning needs of young dyslexic students. The objectives of such school shall be:

(a) To emphasize the importance of early intervention; and

(b) To provide intensive high-quality instruction of students in reading, spelling, writing, language arts, phonological awareness and fluency training, but shall not preclude instruction in mathematics, social studies, science, art, music and physical education based on the curriculum requirements of the State Department of Education.

(2) The parent or legal guardian of a public school student with dyslexia may request and receive from the state a Mississippi Dyslexia Therapy Scholarship for the child to enroll in and attend a nonpublic school in accordance with this section if:

(a) The student has spent the previous school year in attendance at a Mississippi public school or any other state approved nonpublic school in the state that emphasizes instruction in dyslexia intervention; or

(b) The parent or legal guardian has obtained acceptance for admission of the student to a nonpublic school that is eligible for the program under Section 10 of this act and has requested from the department a scholarship within thirty (30) days before the date of the first scholarship payment. The

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request must be through a communication directly to the department in a manner that creates a written or electronic record of the request and the date of receipt of the request. The Department of Education must notify the district of the parent's or legal guardian's intent upon receipt of the parent's or legal guardian's request.

SECTION 4. (1) A student is not eligible for a Mississippi Dyslexia Therapy Scholarship while he or she is:

(a) Enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;

(b) Participating in a home-school education program;

(c) Participating in a virtual school, correspondence school, or distance learning program that receives state funding under the student's participation unless the participation is limited to no more than two (2) courses per school year;

(d) Not having regular and direct contact with his or her private school teachers at the school's physical location.

(2) (a) For purposes of continuity of educational choice, a Mississippi Dyslexia Therapy Scholarship shall remain in force until the student returns to a public school or completes Grade 6, whichever occurs first.

(b) Upon reasonable notice to the department and the school district, the student's parent or legal guardian may remove the student from the nonpublic school and place the student in a public school in accordance with this section.

SECTION 5. (1) (a) The parent or legal guardian is not required to accept the offer of enrolling in another public school in lieu of requesting a Mississippi Dyslexia Therapy Scholarship to a nonpublic school. However, if the parent or legal guardian chooses the public school option, the student may continue attending a public school chosen by the parent or legal guardian until the student completes Grade 6.

(b) If the parent or legal guardian chooses a public school within the district, the school district shall provide transportation to the public school selected by the parent or legal guardian. However, if the parent or legal guardian chooses a public school in another district, the parent or legal guardian is responsible to provide transportation to the school of choice.

(2) Each local school district shall make an initial determination of whether a student diagnosed with dyslexia qualifies under the Individuals with Disabilities Education Act (IDEA) to receive services and funding under the provisions of the IDEA before proceeding to the development of a 504 Plan for each dyslexic student eligible for educational services or equipment, or both, under Sections 37-23-1 through 37-23-157. If a student's diagnosis of dyslexia results in a determination that the disability is not a disability which would qualify the student as eligible under the IDEA, then in developing the written 504 Plan for each dyslexia student, there shall be a presumption that proficiency in spelling, reading and writing are essential for the student to achieve appropriate educational progress. Each local school district shall develop interventions and strategies to address the needs of those students diagnosed with dyslexia which provide the necessary accommodations to enable the student to achieve appropriate educational progress. The interventions and strategies developed shall include, but not be limited to, the use of the 3-Tier Instructional Model and the utilization of provisions of the IDEA and Section 504 to address those needs.

Furthermore, these provisions do not prohibit a parent or legal guardian of a student diagnosed with dyslexia, at any time, from choosing the option of a Mississippi Dyslexia Therapy Scholarship which would allow the student to attend another public school or nonpublic special purpose school.

(3) If the parent or legal guardian chooses the nonpublic school option and the student is accepted by the nonpublic school

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pending the availability of a space for the student, the parent or legal guardian of the student must notify the department thirty (30) days before the first scholarship payment and before entering the nonpublic school in order to be eligible for the scholarship when a space becomes available for the student in the nonpublic school.

(4) The parent or legal guardian of a student may choose, as an alternative, to enroll the student in and transport the student to a public school in an adjacent school district which has available space and has a program with dyslexia services that provide daily dyslexia therapy sessions delivered by a department licensed dyslexia therapist, and that school district shall accept the student and report the student for purposes of the district's funding under the Mississippi Adequate Education Program.

SECTION 6. A parent or legal guardian who applies for a Mississippi Dyslexia Therapy Scholarship is exercising his or her parental option to place his or her child in a nonpublic school. Each participating parent or legal guardian and student shall adhere to the following:

(a) The parent or legal guardian must select the nonpublic school and apply for the admission of his or her child;

(b) The parent or legal guardian must have requested the scholarship at least thirty (30) days before the date of the first scholarship payment;

(c) Any student participating in the Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program must remain in attendance throughout the school year unless excused by the school for illness or other good cause; and

(d) Each parent or legal guardian and each student has an obligation to the nonpublic special purpose school to comply with the nonpublic special purpose school's published policies.

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SECTION 7. (1) The maximum scholarship granted per eligible student with dyslexia shall be an amount equivalent to the Mississippi Adequate Education Program base student cost.

(2) (a) The nonpublic school under this program shall report to the Mississippi Department of Education the number of students with dyslexia who are enrolled in nonpublic schools on the Mississippi Dyslexia Therapy Scholarships as of September 30 of each year in order to determine funding for the subsequent year. Funds may not be transferred from any funding provided to the Mississippi School for the Deaf and the Blind for program participants who are eligible under Section 3 of this act.

(b) The Mississippi Department of Education will disburse payments to nonpublic schools under this program in twelve (12) substantially equal installments. The initial payment shall be made after department verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the nonpublic school.

SECTION 8. (1) (a) Each local school district shall adopt a policy to ensure that students will be screened in the Spring of kindergarten and the Fall of Grade 1. The component of the screening must include:

- (i) Phonological awareness and phonemic awareness;
- (ii) Sound symbol recognition;
- (iii) Alphabet knowledge;
- (iv) Decoding skills;
- (v) Encoding skills; and
- (vi) Rapid naming.

(b) If a student fails the screener, the parent or legal guardian will be notified of the results of the screener. Subsequent dyslexia evaluations may be administered by licensed professionals, including:

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(i) Psychologists, licensed under Chapter 31, Title 73, Mississippi Code of 1972;

(ii) Psychometrists, licensed by the Mississippi Department of Education; or

(iii) Speech Language Pathologists, licensed under Chapter 38, Title 73, Mississippi Code of 1972.

(c) If a student fails the screener, the school district, in its discretion, may perform a comprehensive dyslexia evaluation, such evaluation must be administered by any of the licensed professionals identified under paragraph (b) of this subsection.

(d) If a parent or legal guardian of a student who fails the dyslexia screener exercises the option to have a subsequent evaluation performed, such evaluation shall be administered by any of the licensed professionals identified under paragraph (b) of this subsection, and the resulting diagnosis of the subsequent evaluation must be accepted by the school district for purposes of determining eligibility for placement within a dyslexia therapy program within the current school or to receive a Mississippi Dyslexia Therapy Scholarship for placement in a dyslexia program in another public school or nonpublic special purpose school.

(2) The screening of all compulsory-school-age children enrolled in each local public school district for dyslexia required by subsection (1)(a) of this section shall in no manner nullify or defeat the requirements of the pilot programs adopted by the State Department of Education to test certain students enrolled or enrolling in public schools for dyslexia under Section 37-23-15.

SECTION 9. (1) To be eligible to participate in the Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program, a nonpublic school must:

(a) Be a state accredited special purpose school;

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(b) Provide to the department all documentation required for a student's participation, including the nonpublic school's and student's fee schedules, at least thirty (30) days before the first quarterly scholarship payment is made for the student.

(c) Be academically accountable to the parent or legal guardian for meeting the educational needs of the student by, at a minimum, annually providing to the parent or legal guardian a written explanation of the student's progress.

(d) Maintain in this state a physical location where a scholarship student regularly attends classes.

(2) The inability of a nonpublic school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the nonpublic school to participate in the scholarship program as determined by the department.

SECTION 10. (1) The department shall publicize information regarding the Mississippi Dyslexia Therapy Scholarship on the department's official website.

(2) Annually, by December 15, report to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section, any substantiated allegations or violations of law or rule by an eligible nonpublic school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

SECTION 11. (1) The State Board of Education in conjunction with each nonpublic school and local school board operating under the provisions of this act, may:

(a) Extend the school day or length of the scholastic year;

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(b) Develop and establish a curriculum that is consistent with the Mississippi Curriculum Framework in the subject areas of mathematics, social studies, science, music, art and physical education; and

(c) Select, purchase and use textbooks, literature and other instructional materials that would improve educational attainment by students in the school, subject to the approval of the board.

(2) The qualified personnel to facilitate the educational process of learning and instruction for children with dyslexia who attend the schools shall consist of the following:

(a) An administrator or director with additional training in the characteristics of dyslexia;

(b) A dyslexia therapist licensed by the department in dyslexia therapy;

(c) Dyslexia therapists in training participating in a department approved dyslexia therapy graduate internship program; and

(d) Licensed elementary teachers under the supervision of a state department licensed dyslexia therapist.

SECTION 12. Teachers and other school personnel shall be subject to criminal history record checks and fingerprinting requirements applicable to other public schools under Section 37-9-17(2) and (3).

SECTION 13. (1) Each school providing instruction to children with dyslexia shall certify to the State Department of Education its student enrollment in the same manner as local school districts.

(2) The department shall direct the proportionate share of monies generated under federal and state categorical aid programs to the participating school for serving students eligible for the aid. The state shall ensure that each school is treated equitably in the calculation and disbursement of all federal and state

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categorical aid program dollars. Each school participating in the scholarship program shall comply with all reporting requirements to receive the aid.

(3) (a) Each school shall adhere to generally accepted accounting principles as promulgated by nationally recognized professional organizations.

(b) Each school shall have its financial records audited annually, at the end of each fiscal year, by the State Auditor and shall file a copy of each audit report and accompanying management letter with the board by July 30.

(4) Nothing in this act shall be construed to prohibit any person or organization from providing funding or other assistance to the establishment or operation of any school authorized under this act, except religious or sectarian organizations. The State Board of Education, acting on behalf of the participating schools, is authorized to accept gifts, donations, and grants of any kind made to a participating school and to expend or use such gifts, donations, and grants in accordance with the conditions prescribed by the donor; however, no gift, donation, or grant may be accepted if subject to a condition that is contrary to any provision of state law or board rule.

SECTION 14. No liability shall arise on the part of the state based on the award or use of a Mississippi Dyslexia Therapy Scholarship.

SECTION 15. The inclusion of eligible nonpublic schools within options available to Mississippi public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of nonpublic schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

SECTION 16. The provisions of Sections 1 through 15 of this act shall stand repealed from and after July 1, 2016.

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SECTION 17. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

House Bill 1032

Description: Mississippi Dyslexia Education Scholarship Program; create.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 562

History of Actions:

- 1 02/20 (H) Referred To Education; Appropriations
- 2 03/01 (H) DR - TSDPCS: ED To AP
- 3 03/06 (H) DR - TSDPCS: AP To ED
- 4 03/06 (H) Title Suff Do Pass Comm Sub
- 5 03/13 (H) Read the Third Time
- 6 03/15 (H) Committee Substitute Adopted
- 7 03/15 (H) Amended
- 8 03/15 (H) Passed As Amended
- 9 03/20 (H) Transmitted To Senate
- 10 03/22 (S) Referred To Education; Appropriations
- 11 03/29 (S) DR - TSDPAA: ED To AP
- 12 03/29 (S) Title Suff Do Pass As Amended
- 13 04/04 (S) Amended
- 14 04/04 (S) Passed As Amended
- 15 04/05 (S) Returned For Concurrence
- 16 04/13 (H) Decline to Concur/Invite Conf
- 17 04/25 (H) Conferees Named Moore, Byrd, Barker
- 18 04/25 (S) Conferees Named Tollison, Collins, Hudson
- 19 04/27 (H) Conference Report Filed
- 20 04/27 (S) Conference Report Filed
- 21 04/28 (H) Conference Report Adopted
- 22 05/02 (S) Conference Report Adopted
- 23 05/08 (H) Enrolled Bill Signed
- 24 05/09 (S) Enrolled Bill Signed
- 25 05/23 Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub) *Adopted*

[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 1032

Conference Reports:

Conference Report

----- Additional Information -----

2012 GENERAL LAWS OF MISSISSIPPI, HB 1032

House Committee: Education, Appropriations

Senate Committee: Education, Appropriations

Principal Author: Byrd

Additional Authors: Aldridge, Boyd, Brown (20th), Carpenter, Chism, DeBar, Gipson, Martinson, McLeod, Moore, Pigott, Rogers (61st), Weathersby, Gardner, Young, Miles, Holloway, Evans (43rd), Howell, Turner, Barker, Bounds, Dixon

2012 GENERAL LAWS OF MISSISSIPPI, HB 1032

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representatives Byrd, Aldridge, Boyd,
Brown (20th), Carpenter, Chism, DeBar,
Gipson, Martinson, McLeod, Moore, Pigott,
Rogers (61st), Weathersby, Gardner, Young,
Miles, Holloway, Evans (43rd), Howell,
Turner, Barker, Bounds, Dixon

To: Education;
Appropriations

HOUSE BILL NO. 1032
(As Sent to Governor)

AN ACT TO ESTABLISH THE MISSISSIPPI DYSLEXIA EDUCATION SCHOLARSHIP PROGRAM FOR THE PURPOSE OF RECRUITING AND TRAINING QUALIFIED PERSONS TO PRACTICE DYSLEXIA THERAPY IN THIS STATE; TO LIMIT THE RECEIPT OF SCHOLARSHIPS UNDER THE PROGRAM TO STUDENTS ENROLLED IN OR WHO HAVE BEEN ACCEPTED FOR ENROLLMENT INTO A MASTER'S DEGREE PROGRAM OF STUDY FOR DYSLEXIA THERAPY; TO PROVIDE THAT THE ANNUAL AMOUNT OF THE SCHOLARSHIP AWARD SHALL BE EQUAL TO THE TOTAL COST FOR TUITION; TO ESTABLISH THE TERMS OF SERVICE FOR THOSE PERSONS WHO RECEIVE A SCHOLARSHIP UNDER THE PROGRAM; TO STIPULATE THE PROCESS FOR REPAYMENT OF ANY AWARD AMOUNTS FOR FAILING TO COMPLETE THE PROGRAM OF STUDY OR THE REQUIRED NUMBER OF YEARS OF SERVICE AS REQUIRED BY RECEIPT OF A SCHOLARSHIP; TO ESTABLISH THE CERTIFIED TEACHER OF THE VISUALLY IMPAIRED SCHOLARSHIP PROGRAM TO BE ADMINISTERED BY THE MISSISSIPPI INSTRUCTIONAL RESOURCE CENTER; TO PROVIDE THAT FUNDING FOR THE SCHOLARSHIP SHALL BE SUBJECT TO APPROPRIATION AND SHALL BE ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF EDUCATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There is established the Mississippi Dyslexia Education Scholarship Program for the purpose of identifying and recruiting qualified university and college students from the state for schooling in education with a focus on dyslexia therapy.

(2) The receipt of a scholarship under the program shall be solely limited to those students who are enrolled in or who have been accepted for enrollment into a master's degree program of study for dyslexia therapy at any public or private institution of higher learning within the State of Mississippi at the time an application for scholarship is filed with the Board of Trustees of State Institutions of Higher Learning.

(3) The annual amount of the scholarship award shall be equal to the total cost for tuition, materials and fees at the college or university in which the student is enrolled. Awards

made to nonresidents of the state shall not include any amount assessed by the college or university for out-of-state tuition.

(4) Upon completion of the master's program and licensure requirements, if the scholarship recipient has not been previously licensed by the State Department of Education, shall render service as licensed teacher of dyslexia therapy in a public school district in the state. Any person who received two (2) annual awards, or who received fewer than two (2) annual awards, or the equivalent of two (2) annual awards, shall render one (1) year's services as a licensed teacher for each year that the person received a scholarship award.

(5) (a) Any person failing to complete a program of study which will enable that person to obtain a master's degree in dyslexia therapy shall become liable immediately to the Board of Trustees of State Institutions of Higher Learning for the sum of all Dyslexia Education Scholarship awards made to the person, plus interest accruing at the current Stafford Loan rate at the time the person abrogates his or her participation in the program.

(b) Any person failing to complete his or her teaching obligation, as required under subsection (4) of this section, shall become liable immediately to the board for the sum of all scholarship awards made to the person less the corresponding amount of any awards for which service has been rendered, plus interest accruing at the current Stafford Loan rate at the time the person discontinues his or her service.

(6) The Board of Trustees of State Institutions of Higher Learning shall prepare and submit a report to the Legislature by January 1, 2015, outlining in detail the number of participants who have received scholarship funds under the program, the record of service provided by those recipients as they transition out of the degree program into the public school districts of this state, and the projection for expanding the program to include more participants annually as determined by the need for such qualified

professional in the public school setting. Additionally, the report shall include a summary of allocations and expenditures for the administration of the program and the total amount of funds issued to recipients of scholarships from the inception of the program until such time as the report has been prepared and submitted to the Legislature.

SECTION 2. (1) The Mississippi Dyslexia Education Scholarship Program shall be administered in the same manner as the Critical Needs Teacher Scholarship Program, pursuant to Section 37-159-3, Mississippi Code of 1972, and shall be incorporated into the Critical Needs Teacher Scholarship Program for all purposes.

(2) Funding for the establishment and continued operation of the Mississippi Dyslexia Education Scholarship Program shall be administered by the Board of Trustees of State Institutions of Higher Learning through a special fund established within the Critical Needs Teacher Scholarship Program, subject to appropriation by the Legislature. The board may accept and receive monetary gifts and donations from any source, public or private, which such funds shall be deposited in the special fund for the benefit of the Mississippi Dyslexia Education Scholarship Program with the Critical Needs Teacher Scholarship Program.

(3) No more than ten (10) students shall be selected annually to be admitted into the program for receipt of scholarship funds beginning with the 2013-2014 academic year.

SECTION 3. There is hereby established the Certified Teacher of the Visually Impaired Scholarship Program. The program shall be operated by the Mississippi Instructional Resource Center (MIRC). MIRC shall develop rules and regulations to implement a scholarship program to assist Certified Teachers of the Visually Impaired in taking and passing the Mississippi Praxis II Braille Competency Exam and/or becoming certified under National Certification in Literacy Braille. Funding for this program shall

be administered through a special fund at the Mississippi Department of Education and shall be subject to appropriation.

SECTION 4. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

House Bill 1094

Description: Scrap metal law; revise definitions to include manhole covers and other items.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 536

History of Actions:

- 1 02/20 (H) Referred To Judiciary B
- 2 03/01 (H) Title Suff Do Pass Comm Sub
- 3 03/08 (H) Committee Substitute Adopted
- 4 03/08 (H) Amendment Failed
- 5 03/08 (H) Passed
- 6 03/08 (H) Motion to Reconsider Entered (Johnson, Gipson, Buck (72nd))
- 7 03/13 (H) Motion to Reconsider Tabled
- 8 03/15 (H) Transmitted To Senate
- 9 03/16 (S) Referred To Judiciary, Division B
- 10 04/03 (S) Title Suff Do Pass As Amended
- 11 04/11 (S) Amended
- 12 04/11 (S) Passed As Amended
- 13 04/12 (S) Returned For Concurrence
- 14 04/19 (H) Decline to Concur/Invite Conf
- 15 04/24 (H) Conferees Named Gipson, Busby, Guice
- 16 04/27 (S) Conferees Named Bryan, Tindell, Tollison
- 17 04/30 (S) Conference Report Filed
- 18 04/30 (H) Conference Report Filed
- 19 05/01 (H) Conference Report Adopted
- 20 05/02 (S) Conference Report Adopted
- 21 05/08 (H) Enrolled Bill Signed
- 22 05/09 (S) Enrolled Bill Signed
- 23 05/22 Approved by Governor

Amendments:

- [H] Amendment No 1 (Cmte Sub) *Lost*
- [S] Committee Amendment No 1 *Replaced by Substitute*
- [S] Substitute No 1 for Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 1094

Conference Reports:

Conference Report

Code Section: A 097-0017-0071

----- Additional Information -----

House Committee: Judiciary B

Senate Committee: Judiciary, Division B

Principal Author: Gipson

Additional Authors: Young

2012 GENERAL LAWS OF MISSISSIPPI, HB 1094

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representatives Gipson, Young

To: Judiciary B

HOUSE BILL NO. 1094
(As Sent to Governor)

AN ACT TO AMEND SECTION 97-17-71, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF METAL PROPERTY TO INCLUDE MANHOLE COVERS AND OTHER ITEMS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-17-71, Mississippi Code of 1972, is amended as follows:

97-17-71. (1) For the purposes of this section, the following terms shall have the meanings ascribed in this section:

(a) "Railroad * * * materials" means any materials, equipment and parts used in the construction, operation, protection and maintenance of a railroad.

(b) "Copper materials" means any copper wire, bars, rods or tubing, including copper wire or cable or coaxial cable of the type used by public utilities, common carriers or communication services providers, whether wireless or wire line, copper air conditioner evaporator coil or condenser, aluminum copper radiators not attached to a motor vehicle, or any combination of these.

(c) "Aluminum materials" means any aluminum cable, bars, rods or tubing of the type used to construct utility, communication or broadcasting towers, aluminum utility wire and aluminum irrigation pipes or tubing. "Aluminum materials" does not include aluminum cans that have served their original economic purpose.

(d) "Law enforcement officer" means any person appointed or employed full time by the state or any political subdivision thereof, or by the state military department as

provided in Section 33-1-33, who is duly sworn and vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal traffic laws of this state or the ordinances of any political subdivision thereof.

(e) "Metal property" means materials as defined in this section as railroad track materials, copper materials and aluminum materials and electrical, communications or utility brass, metal covers for service access and entrances to sewers and storm drains, metal bridge pilings, irrigation wiring and other metal property attached to or part of center pivots, grain bins, stainless steel sinks, catalytic converters not attached to a motor vehicle and metal beer kegs. Metal property does not include ferrous materials not listed in this section.

(f) "Person" means an individual, partnership, corporation, joint venture, trust, limited liability company, association or any other legal or commercial entity.

(g) "Personal identification card" means any government issued photographic identification card.

(h) "Photograph" or "photographically" means a still photographic image, including images captured in digital format, that are of such quality that the persons and objects depicted are clearly identifiable.

(i) "Purchase transaction" means a transaction in which a person gives consideration in exchange for metal property.

(j) "Purchaser" means a person who gives consideration in exchange for metal property.

(k) "Record" or "records" means a paper, electronic or other method of storing information.

(l) "Scrap metal dealer" means any person who is engaged, from a fixed location or otherwise, in the business of paying compensation for metal property that has served its

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original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value.

(2) Every scrap metal dealer or other purchaser shall keep an accurate and legible record in which he shall enter the following information for each purchase transaction:

(a) The name, address and age of the person from whom the metal property is purchased as obtained from the seller's personal identification card;

(b) The date and place of each acquisition of the metal property;

(c) The weight, quantity or volume and a general physical description of the type of metal property, such as wire, tubing, extrusions or casting, purchased in a purchase transaction;

(d) The amount of consideration given in a purchase transaction for the metal property;

(e) The vehicle license tag number, state of issue and the make and type of the vehicle used to deliver the metal property to the purchaser;

(f) If a person other than the seller delivers the metal property to the purchaser, the name, address and age of the person who delivers the metal property;

(g) A signed statement from the person receiving consideration in the purchase transaction stating that he is the rightful owner of the metal property or is entitled to sell the metal property being sold;

(h) (i) A scanned copy or a photocopy of the personal identification card of the person receiving consideration in the purchase transaction; or

(ii) If a person other than the seller delivers the metal property to the purchaser, a scanned copy or a photocopy of the personal identification card of the person delivering the metal property to the purchaser; and

(i) A photograph, videotape or similar likeness of the person receiving consideration or any person other than the seller who delivers the metal property to the purchaser in which the person's facial features are clearly visible and in which the metal property the person is selling or delivering is clearly visible.

Such records shall be maintained by the scrap metal dealer or purchaser for not less than two (2) years from the date of the purchase transaction, and such records shall be made available to any law enforcement officer during usual and customary business hours.

(3) The purchaser of metal property must hold the metal property separate and identifiable from other purchases for not less than three (3) business days from the date of purchase. The purchaser shall also photographically capture the metal property in the same form, without change, in which the metal property was acquired, and maintain the photograph for a period of not less than two (2) years. The time and date shall be digitally recorded on the photograph, and the identity of the person taking the photograph shall be recorded. The purchaser shall permit any law enforcement officer to make an inspection of the metal property during the holding period, and of all photographs of the metal property. Any photograph of metal property taken and maintained pursuant to this subsection shall be admissible in any civil or criminal proceeding.

(4) During the usual and customary business hours of a scrap metal dealer or other purchaser, a law enforcement officer, after proper identification as a law enforcement officer, shall have the

right to inspect all purchased metal property in the possession of the scrap metal dealer or purchaser.

(5) (a) Whenever a law enforcement officer has reasonable cause to believe that any item of metal property in the possession of a scrap metal dealer or other purchaser has been stolen, a law enforcement officer who has an affidavit from the alleged rightful owner of the property identifying the property with specificity, including any identifying markings, may issue and deliver a written hold notice to the scrap metal dealer or other purchaser. The hold notice shall specifically identify those items of metal property that are believed to have been stolen and that are subject to the hold notice. Upon receipt of the notice, the scrap metal dealer or other purchaser may not process or remove the metal property identified in the notice from the place of business of the scrap metal dealer or purchaser for fifteen (15) calendar days after receipt of the notice, unless sooner released by a law enforcement officer.

(b) No later than the expiration of the fifteen-day period, a law enforcement officer, after receiving additional substantive evidence beyond the initial affidavit, may issue and deliver a second written hold notice, which shall be an extended hold notice. The extended hold notice shall specifically identify those items of metal property that are believed to have been stolen and that are subject to the extended hold notice. Upon receipt of the extended hold notice, the scrap metal dealer or purchaser may not process or remove the items of metal property identified in the notice from the place of business of the scrap metal dealer or purchaser for fifteen (15) calendar days after receipt of the extended hold notice, unless sooner released by a law enforcement officer.

(c) At the expiration of the hold period or, if extended in accordance with this subsection, at the expiration of the extended hold period, the hold is automatically released, then

the scrap metal dealer or purchaser may dispose of the metal property unless other disposition has been ordered by a court of competent jurisdiction.

(d) If the scrap metal dealer or other purchaser contests the identification or ownership of the metal property, the party other than the scrap metal dealer or other purchaser claiming ownership of any metal property in the possession of a scrap metal dealer or other purchaser, provided that a timely report of the theft of the metal property was made to the proper authorities, may bring a civil action in the circuit court of the county in which the scrap metal dealer or purchaser is located. The petition for the action shall include the means of identification of the metal property utilized by the petitioner to determine ownership of the metal property in the possession of the scrap metal dealer or other purchaser.

(e) When a lawful owner recovers stolen metal property from a scrap metal dealer or other purchaser who has complied with this section, and the person who sold the metal property to the scrap metal dealer or other purchaser is convicted of a violation of this section, or theft by receiving stolen property under Section 97-17-70, the court shall order the convicted person to make full restitution to the scrap metal dealer or other purchaser, including, without limitation, attorney's fees, court costs and other expenses.

(6) This section shall not apply to purchases of metal property from any of the following:

(a) A law enforcement officer acting in an official capacity;

(b) A trustee in bankruptcy, executor, administrator or receiver who has presented proof of such status to the scrap metal dealer;

(c) Any public official acting under a court order who has presented proof of such status to the scrap metal dealer;

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(d) A sale on the execution, or by virtue of any process issued by a court, if proof thereof has been presented to the scrap metal dealer; or

(e) A manufacturing, industrial or other commercial vendor that generates or sells regulated metal property in the ordinary course of its business.

(7) It shall be unlawful for any person to give a false statement of ownership or to give a false or altered identification or vehicle tag number and receive money or other consideration from a scrap metal dealer or other purchaser in return for metal property.

(8) A scrap metal dealer or other purchaser shall not enter into any cash transactions in payment for the purchase of metal property. Payment shall be made by check issued to the seller of the metal, made payable to the name and address of the seller and mailed to the recorded address of the seller, or by electronic funds transfer. Payment shall not be made for a period of three (3) days after the purchase transaction.

(9) If a person acquiring metal property fails to maintain the records or to hold such materials for the period of time prescribed by this section, such failure shall be prima facie evidence that the person receiving the metal property received it knowing it to be stolen in violation of Section 97-17-70.

(10) It shall be unlawful for any person to transport or cause to be transported for himself or another from any point within this state to any point outside this state any metal property, unless the person or entity first reports to the sheriff of the county from which he departs this state transporting such materials the same information that a purchaser in this state would be required to obtain and keep in a record as set forth in subsection (2) of this section. In such a case the sheriff receiving the report shall keep the information in records maintained in his office as a public record available for

inspection by any person at all reasonable times. This section shall not apply to a public utility, as that term is defined in Section 77-3-3, engaged in carrying on utility operations; to a railroad, as that term is defined in Section 77-9-5; to a communication service provider, whether wireless or wire line; to a scrap metal dealer; or to a person identified in subsection (6) as being exempt from the provisions of this section.

(11) It shall be unlawful for a scrap metal dealer or other purchaser to knowingly purchase or possess a metal beer keg, or a metal syrup tank generally used by the soft drink industry, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal. However, it shall not be unlawful to purchase or possess a metal syrup tank generally used by the soft drink industry if the scrap metal dealer or other purchaser obtains a bill of sale at the time of purchase from a seller if the seller is a manufacturer of such tanks, a soft drink company or a soft drink distributor.

(12) It shall be unlawful to sell to a scrap metal dealer any bronze vase and/or marker, memorial, statue, plaque, or other bronze object used at a cemetery or other location where deceased persons are interred or memorialized, or for any such dealer to purchase those objects, unless the source of the bronze is known and notice is provided to the municipal or county law enforcement agency where the dealer is located. The notice shall identify all names, letters, dates and symbols on the bronze and a photograph of the bronze shall be attached thereto. Written permission from the cemetery and the appropriate law enforcement agency must be received before any type of bronze described in this subsection may be purchased, processed, sold or melted.

(13) It shall be unlawful for any scrap metal dealer to purchase any manhole cover and other similar types of utility access covers, including storm drain covers, or any metal property

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clearly identified as belonging to a political subdivision of the state or a municipality, unless that metal property is purchased from the political subdivision, the municipal utility or the manufacturer of the metal. Any purchaser who purchases metal property in bulk shall be allowed twenty-four (24) hours to determine if any metal property prohibited by this subsection is included in a bulk purchase. If such prohibited metal property is included in a bulk purchase, the purchaser shall notify law enforcement no later than twenty-four (24) hours after the purchase.

(14) It shall be unlawful for a scrap metal dealer or other purchaser to purchase metal property from a person younger than eighteen (18) years of age.

(15) Metal property may not be purchased, acquired or collected between the hours of 9:00 p.m. and 6:00 a.m.

(16) Except as provided in this subsection, any person willfully or knowingly violating the provisions of this section shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) per offense, unless the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, are in aggregate an amount which exceeds Five Hundred Dollars (\$500.00), in which case the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed ten (10) years, fined not more than Ten Thousand Dollars (\$10,000.00), or both. Any person found guilty of stealing metal property or receiving metal property, knowing it to be stolen in violation of Section 97-17-70, shall be ordered to make full restitution to the victim, including, without limitation, restitution for property damage that resulted from the theft of the property.

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(17) This section shall not be construed to repeal other criminal laws. Whenever conduct proscribed by any provision of this section is also proscribed by any other provision of law, the provision which carries the more serious penalty shall be applied.

(18) This section shall apply to all businesses regulated under this section without regard to the location within the State of Mississippi.

(19) This section shall not be construed to prohibit municipalities and counties from enacting and implementing ordinances, rules and regulations that impose stricter requirements relating to purchase transactions.

SECTION 2. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

House Bill 1108

Description: Accessory after the fact; revise punishment.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 496

History of Actions:

- 1 02/20 (H) Referred To Judiciary B
- 2 02/23 (H) Title Suff Do Pass As Amended
- 3 03/08 (H) Amended
- 4 03/08 (H) Passed As Amended
- 5 03/08 (H) Motion to Reconsider Entered (Wooten, Gipson, Buck (72nd))
- 6 03/09 (H) Motion to Reconsider Tabled
- 7 03/09 (H) Transmitted To Senate
- 8 03/16 (S) Referred To Judiciary, Division B
- 9 04/03 (S) Title Suff Do Pass As Amended
- 10 04/11 (S) Amended
- 11 04/11 (S) Passed As Amended
- 12 04/12 (S) Returned For Concurrence
- 13 04/19 (H) Concurred in Amend From Senate
- 14 04/24 (H) Enrolled Bill Signed
- 15 04/24 (S) Enrolled Bill Signed
- 16 05/01 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

[H] Amendment No 2 *Adopted*

[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 1108

Code Section: A 097-0001-0005

----- Additional Information -----

House Committee: Judiciary B

Senate Committee: Judiciary, Division B

Principal Author: Gipson

2012 GENERAL LAWS OF MISSISSIPPI, HB 1108

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representative Gipson

To: Judiciary B

HOUSE BILL NO. 1108
(As Sent to Governor)

AN ACT TO AMEND SECTION 97-1-5, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTY FOR THE CRIME OF ACCESSORY AFTER THE FACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-1-5, Mississippi Code of 1972, is amended as follows:

97-1-5. (1) Every person who shall be convicted of having concealed, received, or relieved any felon, or having aided or assisted any felon, knowing that the person had committed a felony, with intent to enable the felon to escape or to avoid arrest, trial, conviction or punishment after the commission of the felony, on conviction thereof shall be imprisoned in the custody of the Department of Corrections as follows:

(a) If the felony was a violent crime:

(i) If the maximum punishment was life, death or twenty (20) years or more, for a period not to exceed twenty (20) years; or

(ii) If the maximum punishment for the violent felony was less than twenty (20) years, for a period not to exceed the maximum punishment.

(b) If the felony was a nonviolent crime:

(i) If the maximum punishment for the nonviolent felony was ten (10) years or more, for a period not to exceed ten (10) years; or

(ii) If the maximum punishment for the nonviolent felony was less than ten (10) years, for a period not to exceed the maximum punishment.

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(2) For the purposes of this section, "violent crime" means homicide, robbery, manslaughter, sex crimes, burglary of an occupied dwelling, aggravated assault, kidnapping, drive-by shooting, armed robbery, felonious abuse of a vulnerable person, felonies subject to an enhanced penalty, felony child abuse or exploitation, or any violation of Section 97-5-33 relating to exploitation of children, Section 97-5-39(1)(b), 97-5-39(1)(c) or 97-5-39(2) relating to child neglect or abuse, or Section 63-11-30(5) relating to aggravated DUI.

(3) In the prosecution of an offense under this section, it shall not be necessary to aver in the indictment or to prove on the trial that the principal has been convicted or tried.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2012 Regular Session

House Bill 1157

Description: Child support enforcement by Department of Human Services; conform to certain federal requirements regarding modification.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 552

History of Actions:

- 1 02/20 (H) Referred To Judiciary A
- 2 02/28 (H) Title Suff Do Pass
- 3 03/08 (H) Passed
- 4 03/09 (H) Transmitted To Senate
- 5 03/16 (S) Referred To Public Health and Welfare; Judiciary, Division A
- 6 03/27 (S) DR - TSDPAA: PH To JA
- 7 03/29 (S) Title Suff Do Pass As Amended
- 8 04/04 (S) Amended
- 9 04/04 (S) Passed As Amended
- 10 04/05 (S) Returned For Concurrence
- 11 04/09 (H) Decline to Concur/Invite Conf
- 12 04/20 (H) Conferees Named Baker, Reynolds, Coleman (29th)
- 13 04/24 (S) Conferees Named Kirby, Burton, Hopson
- 14 04/26 (H) Conference Report Filed
- 15 04/26 (S) Conference Report Filed
- 16 04/30 (H) Conference Report Adopted
- 17 05/01 (S) Conference Report Adopted
- 18 05/08 (H) Enrolled Bill Signed
- 19 05/09 (S) Enrolled Bill Signed
- 20 05/22 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 1157

Conference Reports:

Conference Report

Code Section: A 043-0019-0034, A 043-0019-0101, A 043-0019-0103

----- Additional Information -----

House Committee: Judiciary A

2012 GENERAL LAWS OF MISSISSIPPI, HB 1157

Senate Committee: Public Health and Welfare, Judiciary, Division A

Principal Author: Mims

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representative Mims

To: Judiciary A

HOUSE BILL NO. 1157
(As Sent to Governor)

AN ACT TO AMEND SECTION 43-19-34, MISSISSIPPI CODE OF 1972, TO CLARIFY THE METHOD OF REQUESTING A MODIFICATION OF A CHILD SUPPORT ORDER ENFORCED BY THE DEPARTMENT OF HUMAN SERVICES; TO AMEND SECTION 43-19-101, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT ALL CHILD SUPPORT ORDERS SHALL INCLUDE NOTICE TO THE OBLIGATED PARENT'S EMPLOYER THAT MEDICAL SUPPORT FOR THE CHILD HAS BEEN ORDERED; TO AMEND SECTION 43-19-103, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PAYMENT OF CHILD CARE EXPENSES BY THE OBLIGEE OVERCOMES THE PRESUMPTION THAT CHILD SUPPORT GUIDELINES ARE APPROPRIATE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-19-34, Mississippi Code of 1972, is amended as follows:

43-19-34. (1) In lieu of legal proceedings instituted to obtain a modification for an order for support, a written stipulated agreement for modification executed by the responsible parent when acknowledged before a clerk of the court having jurisdiction over those matters or a notary public and filed with and approved by the judge of that court shall have the same force and effect, retroactively and prospectively, in accordance with the terms of the agreement as an order for modification of support entered by the court, and shall be enforceable and subject to later modification in the same manner as is provided by law for orders of the court in those cases.

(2) With respect to a child support order in cases initiated or enforced by the Department of Human Services under Title IV-D of the Social Security Act, in which the department has determined that a modification is appropriate, the department shall send a motion and notice of intent to modify the order, together with the proposed modification of the order under this section to the last

known mailing address of the defendant. The notice shall specify the date and time certain of the hearing and shall be sent by certified mail, restricted delivery, return receipt requested; notice shall be deemed complete as of the date of delivery as evidenced by the return receipt. The required notice may also be delivered by personal service in accordance with Rule 4 of the Mississippi Rules of Civil Procedure insofar as it may be applied to service of an administrative order or notice. The defendant may accept the proposed modification by signing and returning it to the department before the date of hearing for presentation to the court for approval. If the defendant does not sign and return the proposed modification, the court shall on the date and time previously set for hearing review the proposal and make a determination as to whether it should be approved, in whole or in part.

(3) Every three (3) years, the Department of Human Services shall notify both parents of their right to request a review, and upon the request of either parent, or if there is an assignment under Section 43-19-35, * * * the department, after a review and determination of appropriateness, or either parent may seek an adjustment to a support order being enforced under Section 43-19-31 in accordance with the guidelines established under Section 43-19-101, if the amount of the child support award under the order differs from the amount that would be awarded in accordance with the guidelines, taking into account the best interests of the child involved. If a recipient of Title IV-D services receives TANF, the Department of Human Services shall conduct a review every three (3) years and, after a determination of appropriateness, shall seek an adjustment to a support order according to the guidelines under Section 43-19-101. No proof of a material change in circumstances is necessary in the three-year review for adjustment under this subsection (3). A preexisting arrearage in support payments shall not serve as a bar to the

department's review and adjustment procedure. Proof of a material change in circumstances is necessary for modification outside the three-year cycle.

(4) Any order for the support of minor children, whether entered through the judicial system or through an expedited process, shall not be subject to a downward retroactive modification. An upward retroactive modification may be ordered back to the date of the event justifying the upward modification.

(5) If a downward modification is determined to be warranted under the guidelines contained in subsection (3), the noncustodial parent's arrearage, if any, shall not be a basis for contesting the downward modification in any later legal proceedings.

SECTION 2. Section 43-19-101, Mississippi Code of 1972, is amended as follows:

43-19-101. (1) The following child support award guidelines shall be a rebuttable presumption in all judicial or administrative proceedings regarding the awarding or modifying of child support awards in this state:

Number Of Children Due Support	Percentage Of Adjusted Gross Income That Should Be Awarded For Support
1	14%
2	20%
3	22%
4	24%
5 or more	26%

(2) The guidelines provided for in subsection (1) of this section apply unless the judicial or administrative body awarding or modifying the child support award makes a written finding or specific finding on the record that the application of the guidelines would be unjust or inappropriate in a particular case as determined under the criteria specified in Section 43-19-103.

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(3) The amount of "adjusted gross income" as that term is used in subsection (1) of this section shall be calculated as follows:

- (a) Determine gross income from all potential sources that may reasonably be expected to be available to the absent parent including, but not limited to, the following: wages and salary income; income from self employment; income from commissions; income from investments, including dividends, interest income and income on any trust account or property; absent parent's portion of any joint income of both parents; workers' compensation, disability, unemployment, annuity and retirement benefits, including an individual retirement account (IRA); any other payments made by any person, private entity, federal or state government or any unit of local government; alimony; any income earned from an interest in or from inherited property; any other form of earned income; and gross income shall exclude any monetary benefits derived from a second household, such as income of the absent parent's current spouse;
- (b) Subtract the following legally mandated deductions:
 - (i) Federal, state and local taxes. Contributions to the payment of taxes over and beyond the actual liability for the taxable year shall not be considered a mandatory deduction;
 - (ii) Social security contributions;
 - (iii) Retirement and disability contributions except any voluntary retirement and disability contributions;
- (c) If the absent parent is subject to an existing court order for another child or children, subtract the amount of that court-ordered support;
- (d) If the absent parent is also the parent of another child or other children residing with him, then the court may subtract an amount that it deems appropriate to account for the needs of said child or children;

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(e) Compute the total annual amount of adjusted gross income based on paragraphs (a) through (d), then divide this amount by twelve (12) to obtain the monthly amount of adjusted gross income.

Upon conclusion of the calculation of paragraphs (a) through (e), multiply the monthly amount of adjusted gross income by the appropriate percentage designated in subsection (1) to arrive at the amount of the monthly child support award.

(4) In cases in which the adjusted gross income as defined in this section is more than Fifty Thousand Dollars (\$50,000.00) or less than Five Thousand Dollars (\$5,000.00), the court shall make a written finding in the record as to whether or not the application of the guidelines established in this section is reasonable.

(5) The Department of Human Services shall review the appropriateness of these guidelines beginning January 1, 1994, and every four (4) years thereafter and report its findings to the Legislature no later than the first day of the regular legislative session of that year. The Legislature shall thereafter amend these guidelines when it finds that amendment is necessary to ensure that equitable support is being awarded in all cases involving the support of minor children.

(6) All orders involving support of minor children, as a matter of law, shall include reasonable medical support. Notice to the obligated parent's employer that medical support has been ordered shall be on a form as prescribed by the Department of Human Services. In any case in which the support of any child is involved, the court shall make the following findings either on the record or in the judgment:

(a) The availability to all parties of health insurance coverage for the child(ren);

(b) The cost of health insurance coverage to all parties.

The court shall then make appropriate provisions in the judgment for the provision of health insurance coverage for the child(ren) in the manner that is in the best interests of the child(ren). If the court requires the custodial parent to obtain the coverage then its cost shall be taken into account in establishing the child support award. If the court determines that health insurance coverage is not available to any party or that it is not available to either party at a cost that is reasonable as compared to the income of the parties, then the court shall make specific findings as to such either on the record or in the judgment. In that event, the court shall make appropriate provisions in the judgment for the payment of medical expenses of the child(ren) in the absence of health insurance coverage.

SECTION 3. Section 43-19-103, Mississippi Code of 1972, is amended as follows:

43-19-103. The rebuttable presumption as to the justness or appropriateness of an award or modification of a child support award in this state, based upon the guidelines established by Section 43-19-101, may be overcome by a judicial or administrative body awarding or modifying the child support award by making a written finding or specific finding on the record that the application of the guidelines would be unjust or inappropriate in a particular case as determined according to the following criteria:

- (a) Extraordinary medical, psychological, educational or dental expenses.
- (b) Independent income of the child.
- (c) The payment of both child support and spousal support to the obligee.
- (d) Seasonal variations in one or both parents' incomes or expenses.

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(e) The age of the child, taking into account the greater needs of older children.

(f) Special needs that have traditionally been met within the family budget even though the fulfilling of those needs will cause the support to exceed the proposed guidelines.

(g) The particular shared parental arrangement, such as where the noncustodial parent spends a great deal of time with the children thereby reducing the financial expenditures incurred by the custodial parent, or the refusal of the noncustodial parent to become involved in the activities of the child, or giving due consideration to the custodial parent's homemaking services.

(h) Total available assets of the obligee, obligor and the child.

(i) Payment by the obligee of child care expenses in order that the obligee may seek or retain employment, or because of the disability of the obligee.

(j) Any other adjustment which is needed to achieve an equitable result which may include, but not be limited to, a reasonable and necessary existing expense or debt.

SECTION 4. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2012 Regular Session

House Bill 1203

Description: Motorcycle crash helmets; revise certain laws regarding.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 544

History of Actions:

- 1 02/20 (H) Referred To Transportation
- 2 02/29 (H) Title Suff Do Pass
- 3 03/08 (H) Passed
- 4 03/09 (H) Transmitted To Senate
- 5 03/16 (S) Referred To Judiciary, Division B
- 6 04/03 (S) Title Suff Do Pass As Amended
- 7 04/05 (S) Amended
- 8 04/05 (S) Passed As Amended
- 9 04/10 (S) Returned For Concurrence
- 10 04/11 (H) Decline to Concur/Invite Conf
- 11 04/24 (H) Conferees Named Johnson, Bailey, McLeod
- 12 04/27 (S) Conferees Named Bryan, Blount, Tollison
- 13 04/28 (S) Conference Report Filed
- 14 04/28 (H) Conference Report Filed
- 15 04/30 (H) Conference Report Adopted
- 16 05/02 (S) Conference Report Adopted
- 17 05/08 (H) Enrolled Bill Signed
- 18 05/09 (S) Enrolled Bill Signed
- 19 05/22 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 1203

Conference Reports:

Conference Report

Code Section: A 063-0007-0064, A 063-0031-0003, A 063-0003-0121

----- Additional Information -----

House Committee: Transportation

Senate Committee: Judiciary, Division B

Principal Author: Zuber

Additional Authors: Gardner

2012 GENERAL LAWS OF MISSISSIPPI, HB 1203

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representatives Zuber, Gardner

To: Transportation

HOUSE BILL NO. 1203
(As Sent to Governor)

AN ACT TO AMEND SECTION 63-7-64, MISSISSIPPI CODE OF 1972, TO CORRECT THE REFERENCE TO THE ENTITY AUTHORIZED TO APPROVE MOTORCYCLE CRASH HELMET STANDARDS FOR OPERATORS OF MOTORCYCLES AND TO EXEMPT PARADE PARTICIPANTS FROM HELMET REQUIREMENT; TO AMEND SECTION 63-31-3, MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN MINORS OPERATING A DIRT BIKE TO RECEIVE OFF-ROAD VEHICLE TRAINING AND TO WEAR A PROPER HELMET; TO AMEND SECTION 63-3-121, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-7-64, Mississippi Code of 1972, is amended as follows:

63-7-64. No person shall operate or ride upon any motorcycle or motor scooter upon the public roads or highways of this state unless such person is wearing on his or her head a crash helmet that complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to federal Motor Vehicle Safety Standard No. 218 (49 CFR 571.218). Violation of this section shall be deemed a violation of the traffic regulations and rules of the road and punishable as provided by Section 63-9-11. This section shall not apply to persons riding in a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years of age or older.

SECTION 2. Section 63-31-3, Mississippi Code of 1972, is amended as follows:

63-31-3. (1) No off-road vehicle shall be operated upon any public property by any person unless:

(a) (i) The person possesses a valid driver's license;
or

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(ii) The person possesses a certificate as provided under subsections (3) and (4) of this section.

(b) No person may operate any off-road vehicle upon any public property in this state unless each person under sixteen (16) years of age who is operating or riding on the off-road vehicle is wearing a crash helmet that complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to the federal Motor Vehicle Safety Standard No. 218 (49 CFR 571.218) for helmets designed for use by motorcyclists.

(2) A violation of subsection (1) of this section is punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00).

(3) Off-road vehicle safety courses shall be held by the Cooperative Extension Service using 4-H safety course materials and curricula, and shall be taught by instructors possessing qualifications approved by the Department of Public Safety. The Cooperative Extension Service shall issue a certificate to each person who satisfactorily completes the off-road vehicle safety course.

(4) Off-road vehicle safety courses may be held by any organization approved by the Department of Public Safety. Such organization shall issue a certificate to each person who satisfactorily completes the off-road vehicle safety course.

(5) For the purposes of this section * * *:

(a) "Off-road vehicle" means any all-terrain vehicle or dirt bike.

(b) "All-terrain vehicle" or "ATV" means any motorized vehicle manufactured and designed exclusively for off-road use that is fifty (50) inches or less in width; has an unladen dry weight of six hundred (600) pounds or less; travels on three (3), four (4) or more low-pressure tires; has a seat designed to be

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straddled by the operator; and uses handlebars for steering control.

(c) "Dirt bike" means a motor-powered vehicle possessing two (2) or more tires, designed to travel over any terrain and capable of travelling off of paved roads, whether or not the vehicle may be operated legally on a public street.

(6) Nothing in this section shall be construed to authorize operation of an off-road vehicle on a public road or highway of this state.

SECTION 3. Section 63-3-121, Mississippi Code of 1972, is amended as follows:

63-3-121. (a) "Person" means every natural person, firm, copartnership, association, * * * corporation, limited liability company or other legal business entity.

(b) "Driver" means every person who drives or is in actual physical control of a vehicle.

(c) "Owner" means a person who holds the legal title of a vehicle; in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

(d) "Pedestrian" means any person afoot or a person who uses an electric personal assistive mobility device or a manual or motorized wheelchair.

(e) "Instructor" means any person who gives instruction in a course related to this Title 63, whether given in person, recorded, transmitted by electronic means, or any combination thereof.

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SECTION 4. Section 2 of this act shall take effect and be in force from and after July 1, 2012, and the remainder of this act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2012 Regular Session**

House Bill 1268

Description: Adoption; revise various statutes relating to.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2012

Chapter Number: 556

History of Actions:

- 1 02/20 (H) Referred To Judiciary A
- 2 03/06 (H) Title Suff Do Pass Comm Sub
- 3 03/13 (H) Read the Third Time
- 4 03/15 (H) Committee Substitute Adopted
- 5 03/15 (H) Amended
- 6 03/15 (H) Passed As Amended
- 7 03/20 (H) Transmitted To Senate
- 8 03/26 (S) Referred To Judiciary, Division A
- 9 04/03 (S) Title Suff Do Pass As Amended
- 10 04/04 (S) Amended
- 11 04/04 (S) Passed As Amended
- 12 04/05 (S) Returned For Concurrence
- 13 04/09 (H) Decline to Concur/Invite Conf
- 14 04/20 (H) Conferees Named Baker,Banks,Aldridge
- 15 04/30 (S) Conferees Named Hopson,Turner,Doty
- 16 04/30 (H) Conference Report Filed
- 17 04/30 (S) Conference Report Filed
- 18 05/01 (S) Conference Report Adopted
- 19 05/01 (H) Conference Report Adopted
- 20 05/08 (H) Enrolled Bill Signed
- 21 05/09 (S) Enrolled Bill Signed
- 22 05/22 Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub) *Adopted*

[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 1268

Conference Reports:

Conference Report

Code Section: A 093-0017-0003, A 093-0017-0205

----- Additional Information -----

House Committee: Judiciary A

Senate Committee: Judiciary, Division A

Principal Author: Aldridge

Additional Authors: Holland, Dixon

2012 GENERAL LAWS OF MISSISSIPPI, HB 1268

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representatives Aldridge, Holland, Dixon To: Judiciary A

HOUSE BILL NO. 1268
(As Sent to Governor)

AN ACT TO AMEND SECTION 93-17-3, MISSISSIPPI CODE OF 1972, TO REQUIRE A HOME STUDY BEFORE A PERSON MAY BE PLACED IN THE HOME OF PROSPECTIVE ADOPTING PARTIES; TO REQUIRE COMPLIANCE WITH THE INTERSTATE COMPACT FOR PLACEMENT OF CHILDREN AND THE INDIAN CHILD WELFARE ACT; TO AMEND SECTION 93-17-205, MISSISSIPPI CODE OF 1972, TO REVISE ADOPTION RECORDS REQUIREMENTS; TO AUTHORIZE THE FILING OF A PETITION WITH THE SECRETARY OF STATE ALONG WITH PAYMENT OF A FEE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 93-17-3, Mississippi Code of 1972, is amended as follows:

93-17-3. (1) Except as otherwise provided in subsections (2) and (3), a court of this state has jurisdiction over a proceeding for the adoption of a minor commenced under this chapter if:

(a) Immediately before commencement of the proceeding, the minor lived in this state with a parent, a guardian, a prospective adoptive parent or another person acting as parent, for at least six (6) consecutive months, excluding periods of temporary absence, or, in the case of a minor under six (6) months of age, lived in this state from soon after birth with any of those individuals and there is available in this state substantial evidence concerning the minor's present or future care;

(b) Immediately before commencement of the proceeding, the prospective adoptive parent lived in this state for at least six (6) consecutive months, excluding periods of temporary absence, and there is available in this state substantial evidence concerning the minor's present or future care;

(c) The agency that placed the minor for adoption is licensed in this state and it is in the best interest of the minor that a court of this state assume jurisdiction because:

(i) The minor and the minor's parents, or the minor and the prospective adoptive parent, have a significant connection with this state; and

(ii) There is available in this state substantial evidence concerning the minor's present or future care;

(d) The minor and the prospective adoptive parent are physically present in this state and the minor has been abandoned or it is necessary in an emergency to protect the minor because the minor has been subjected to or threatened with mistreatment or abuse or is otherwise neglected; or

(e) It appears that no other state would have jurisdiction under prerequisites substantially in accordance with paragraphs (a) through (d), or another state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum to hear a petition for adoption of the minor, and it is in the best interest of the minor that a court of this state assume jurisdiction.

(2) A court of this state may not exercise jurisdiction over a proceeding for adoption of a minor if, at the time the petition for adoption is filed, a proceeding concerning the custody or adoption of the minor is pending in a court of another state exercising jurisdiction substantially in conformity with the Uniform Child Custody Jurisdiction Act or this section unless the proceeding is stayed by the court of the other state.

(3) If a court of another state has issued a decree or order concerning the custody of a minor who may be the subject of a proceeding for adoption in this state, a court of this state may not exercise jurisdiction over a proceeding for adoption of the minor unless:

(a) The court of this state finds that the court of the state which issued the decree or order:

(i) Does not have continuing jurisdiction to modify the decree or order under jurisdictional prerequisites substantially in accordance with the Uniform Child Custody Jurisdiction Act or has declined to assume jurisdiction to modify the decree or order; or

(ii) Does not have jurisdiction over a proceeding for adoption substantially in conformity with subsection (1) (a) through (d) or has declined to assume jurisdiction over a proceeding for adoption; and

(b) The court of this state has jurisdiction over the proceeding.

(4) Any person may be adopted in accordance with the provisions of this chapter in termtime or in vacation by an unmarried adult or by a married person whose spouse joins in the petition. The adoption shall be by sworn petition filed in the chancery court of the county in which the adopting petitioner or petitioners reside or in which the child to be adopted resides or was born, or was found when it was abandoned or deserted, or in which the home is located to which the child has been surrendered by a person authorized to so do. The petition shall be accompanied by a doctor's or nurse practitioner's certificate showing the physical and mental condition of the child to be adopted and a sworn statement of all property, if any, owned by the child. In addition, the petition shall be accompanied by affidavits of the petitioner or petitioners stating the amount of the service fees charged by any adoption agencies or adoption facilitators used by the petitioner or petitioners and any other expenses paid by the petitioner or petitioners in the adoption process as of the time of filing the petition. If the doctor's or nurse practitioner's certificate indicates any abnormal mental or physical condition or defect, the condition or defect shall not,

in the discretion of the chancellor, bar the adoption of the child if the adopting parent or parents file an affidavit stating full and complete knowledge of the condition or defect and stating a desire to adopt the child, notwithstanding the condition or defect. The court shall have the power to change the name of the child as a part of the adoption proceedings. The word "child" in this section shall be construed to refer to the person to be adopted, though an adult.

(5) Adoption by couples of the same gender is prohibited.

(6) No person may be placed in the home of or adopted by the prospective adopting parties before a court ordered or voluntary home study is satisfactorily completed by a licensed adoption agency, a licensed, experienced social worker approved by the chancery court or by the Department of Human Services on the prospective adoptive parties if required by Section 93-17-11.

(7) No person may be adopted by a person or persons who reside outside the State of Mississippi unless the provisions of the Interstate Compact for Placement of Children (Section 43-18-1 et seq.) have been complied with. In such cases Forms 100A, 100B (if applicable) and evidence of Interstate Compact for Placement of Children approval shall be added to the permanent adoption record file within one (1) month of the placement, and a minimum of two (2) post-placement reports conducted by a licensed child placing agency shall be provided to the Mississippi Department of Human Services Interstate Compact for Placement of Children office.

(8) No person may be adopted unless the provisions of the Indian Child Welfare Act (ICWA) have been complied with, if applicable. When applicable, proof of compliance shall be included in the court adoption file prior to finalization of the adoption. If not applicable, a written statement or paragraph in the petition for adoption shall be included in the adoption

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petition stating that the provisions of ICWA do not apply before finalization.

SECTION 2. Section 93-17-205, Mississippi Code of 1972, is amended as follows:

93-17-205. (1) The bureau shall maintain a centralized adoption records file for all adoptions performed in this state after July 1, 2005, which shall contain the following information:

(a) The medical and social history of the birth parents, including information regarding genetically inheritable diseases or illnesses and any similar information furnished by the birth parents about the adoptee's grandparents, aunts, uncles, brothers and sisters if known;

(b) A report of any medical examination which either birth parent had within one (1) year before the date of the petition for adoption, if available and known;

(c) A report describing the adoptee's prenatal care and medical condition at birth, if available and known; * * *

(d) The medical and social history of the adoptee, including information regarding genetically inheritable diseases or illnesses, and any other relevant medical, social and genetic information if available; and

(e) Forms 100A, 100B (if applicable) and evidence of Interstate Compact for Placement of Children approval (if applicable).

The Administrative Office of Courts shall assist the bureau in the maintenance of its centralized adoption record by compiling the number of finalized adoptions in each chancery court district on a monthly basis, and submitting this information to the bureau. The bureau shall include these statistics in its centralized adoption record. The information in this report shall include the number of adoptions in this state where the adopting parent is a blood relative of the adoptee and the number of adoptions in this state where the adopting parent is not a blood relative of the

adoptee. The report shall not include any individual identifying information. This information shall be updated annually and made available to the public upon request for a reasonable fee.

(2) Any birth parent may file with the bureau at any time any relevant supplemental nonidentifying information about the adoptee or the adoptee's birth parents, and the bureau shall maintain this information in the centralized adoption records file.

(3) The bureau shall also maintain as part of the centralized adoption records file the following:

(a) The name, date of birth, social security number (both original and revised, where applicable) and birth certificate (both original and revised) of the adoptee;

(b) The names, current addresses and social security numbers of the adoptee's birth parents, guardian and legal custodian;

(c) Any other available information about the birth parent's identity and location.

(4) Any birth parent may file with the bureau at any time an affidavit authorizing the bureau to provide the adoptee with his or her original birth certificate and with any other available information about the birth parent's identity and location, or an affidavit expressly prohibiting the bureau from providing the adoptee with any information about such birth parent's identity and location, and prohibiting any licensed adoption agency from conducting a search for such birth parent under the terms of Sections 93-17-201 through 93-17-223. An affidavit filed under this section may be revoked at any time by written notification to the bureau from the birth parent.

(5) Counsel for the adoptive parents in the adoption finalization proceeding shall provide the bureau with the information required in subsections (1) and (3) of this section, and he shall also make such information a part of the adoption

records of the court in which the final decree of adoption is rendered. This information shall be provided on forms prepared by the bureau.

(6) (a) If an agency receives a report from a physician stating that a birth parent or another child of the birth parent has acquired or may have a genetically transferable disease or illness, the agency shall notify the bureau and the appropriate licensed adoption agency, and the latter agency shall notify the adoptee of the existence of the disease or illness, if he or she is twenty-one (21) years of age or over, or notify the adoptee's guardian, custodian or adoptive parent if the adoptee is under age twenty-one (21).

(b) If an agency receives a report from a physician that an adoptee has acquired or may have a genetically transferable disease or illness, the agency shall notify the bureau and the appropriate licensed agency, and the latter agency shall notify the adoptee's birth parent of the existence of the disease or illness.

(7) Compliance with the provisions of this section may be waived by the court, in its discretion, in any chancery court proceeding in which one or more of the petitioners for adoption is the natural mother or father of the adoptee.

SECTION 3. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

House Bill 1281

Description: Pool enclosures; authorize municipalities to regulate.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 508

History of Actions:

- 1 02/20 (H) Referred To Municipalities
- 2 03/01 (H) Title Suff Do Pass Comm Sub
- 3 03/08 (H) Tabled Subject To Call
- 4 03/13 (H) Committee Substitute Adopted
- 5 03/13 (H) Amended
- 6 03/13 (H) Passed As Amended
- 7 03/15 (H) Transmitted To Senate
- 8 03/22 (S) Referred To Judiciary, Division B
- 9 04/03 (S) Title Suff Do Pass As Amended
- 10 04/05 (S) Amended
- 11 04/05 (S) Passed As Amended
- 12 04/09 (S) Motion to Reconsider Entered
- 13 04/12 (S) Reconsidered
- 14 04/12 (S) Amended
- 15 04/12 (S) Passed As Amended
- 16 04/17 (S) Returned For Concurrence
- 17 04/18 (H) Decline to Concur/Invite Conf
- 18 04/18 (H) Motion to Reconsider Entered (Baria, Blackmon, Myers)
- 19 04/19 (H) Reconsidered
- 20 04/19 (H) Concurred in Amend From Senate
- 21 04/24 (H) Enrolled Bill Signed
- 22 04/24 (S) Enrolled Bill Signed
- 23 05/01 Approved by Governor

Amendments:

- [H] Amendment No 1 (Cmte Sub) **Adopted**
- [S] Committee Amendment No 1 **Adopted**
- [S] Substitute No 1 for Committee Amendment No 1 **Adopted**
- [S] Amendment No 1 to Substitute No 1 for Committee Amendment No 1 **Adopted**
- [S] Amendment No 2 to Substitute No 1 for Committee Amendment No 1 **Adopted**

Amendment Report for House Bill No. 1281

----- Additional Information -----

House Committee: Municipalities

Senate Committee: Judiciary, Division B

Principal Author: Baria

2012 GENERAL LAWS OF MISSISSIPPI, HB 1281

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representative Baria

To: Municipalities

HOUSE BILL NO. 1281
(As Sent to Governor)

AN ACT TO CREATE "THE WILLIAM LEE MONTJOY" POOL SAFETY ACT; TO PROVIDE THE DEFINITIONS FOR CERTAIN LOCKS AND GATES; TO PROVIDE THAT THE PROVISIONS OF THIS ACT SHALL ONLY APPLY TO A POOL OWNED, CONTROLLED OR MAINTAINED BY THE OWNER OF A MULTIUNIT RENTAL COMPLEX, PROPERTY OWNERS ASSOCIATION, PRIVATE CLUB, AND DOORS AND WINDOWS OF RENTAL DWELLINGS OPENING INTO THE POOL YARD OF A MULTIUNIT RENTAL COMPLEX OR CONDOMINIUM, COOPERATIVE, OR TOWNHOME PROJECT; TO PROVIDE THAT THE OWNER OF A MULTIUNIT RENTAL COMPLEX WITH A POOL OR A PROPERTY OWNERS ASSOCIATION THAT OWNS, CONTROLS OR MAINTAINS A POOL SHALL COMPLETELY ENCLOSE THE POOL YARD WITH A POOL YARD ENCLOSURE; TO PROVIDE THAT A DOOR, SLIDING GLASS DOOR, OR FRENCH DOOR MAY NOT OPEN DIRECTLY INTO A POOL YARD IF THE DATE OF ELECTRICAL SERVICE FOR INITIAL CONSTRUCTION OF THE BUILDING OR POOL IS ON OR AFTER JULY 1, 2012; TO PROVIDE THAT A TENANT OF AN OWNER OF A MULTIUNIT RENTAL COMPLEX, A MEMBER OF A PROPERTY OWNERS ASSOCIATION, A GOVERNMENTAL ENTITY, OR ANY OTHER PERSON OR THE PERSON'S REPRESENTATIVE MAY MAINTAIN AN ACTION AGAINST THE OWNER OR PROPERTY OWNERS ASSOCIATION FOR FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ACT; TO PROVIDE THAT THE OWNER OF A MULTIUNIT RENTAL COMPLEX OR A PROPERTY OWNERS ASSOCIATION IS NOT REQUIRED TO ENCLOSE A BODY OF WATER OR CONSTRUCT BARRIERS BETWEEN THE OWNER'S OR PROPERTY OWNERS ASSOCIATION'S PROPERTY AND A BODY OF WATER SUCH AS AN OCEAN, BAY, LAKE, POND, BAYOU, RIVER, CREEK, STREAM, SPRING, RESERVOIR, STOCK TANK, CULVERT, DRAINAGE DITCH, DETENTION POND, OR OTHER FLOOD OR DRAINAGE FACILITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and cited as the "William Lee Montjoy Pool Safety Act."

SECTION 2. The following words shall have the following meanings for purposes of this act:

(a) "Self-closing and self-latching device" means a device that causes a gate to automatically close without human or electrical power after it has been opened and to automatically latch without human or electrical power when the gate closes.

(b) "Doorknob lock" means a lock that is in a doorknob and that is operated from the exterior by a key, card, or

2012 GENERAL LAWS OF MISSISSIPPI, HB 1281

combination and from the interior without a key, card, or combination.

(c) "Dwelling" or "rental dwelling" means one or more rooms rented to one or more tenants for use as a permanent residence under a lease. The term does not include a room rented to overnight guests.

(d) "French doors" means double doors, sometimes called double-hinged patio doors, that provide access from a dwelling interior to the exterior and in which each of the two (2) doors are hinged and closable so that the edge of one (1) door closes immediately adjacent to the edge of the other door with no partition between the doors. "French door" means either one (1) of the two (2) doors.

(e) "Keyed dead bolt" means a door lock that is not in the doorknob, that locks by a bolt in the doorjamb, that has a bolt with at least a one-inch throw if installed after July 1, 2012, and that is operated from the exterior by a key, card, or combination and operated from the interior by a knob or lever without a key, card, or combination. The term includes a doorknob lock that contains a bolt with at least a one-inch throw.

(f) (i) "Keyless bolting device" means a door lock not in the doorknob that locks:

1. With a bolt with a one-inch throw into a strike plate screwed into the portion of the doorjamb surface that faces the edge of the door when the door is closed or into a metal doorjamb that serves as the strike plate, operable only by knob or lever from the door's interior and not in any manner from the door's exterior, and that is commonly known as a keyless dead bolt;

2. By a drop bolt system operated by placing a central metal plate over a metal doorjamb restraint which protrudes from the doorjamb and which is affixed to the doorjamb frame by means of three (3) case-hardened screws at least three

(3) inches in length. One-half (1/2) of the central plate must overlap the interior surface of the door and the other one-half (1/2) of the central plate must overlap the doorjamb when the plate is placed over the doorjamb restraint. The drop bolt system must prevent the door from being opened unless the central plate is lifted off of the doorjamb restraint by a person who is on the interior side of the door; or

3. By a metal bar or metal tube that is placed across the entire interior side of the door and secured in place at each end of the bar or tube by heavy-duty metal screw hooks. The screw hooks must be at least three (3) inches in length and must be screwed into the doorframe stud or wall stud on each side of the door. The bar or tube must be capable of being secured to both of the screw hooks and must be permanently attached in some way to the doorframe stud or wall stud. When secured to the screw hooks, the bar or tube must prevent the door from being opened unless the bar or tube is removed by a person who is on the interior side of the door.

(ii) The term does not include a chain latch, flip latch, surface-mounted slide bolt, mortise door bolt, surface-mounted barrel bolt, surface-mounted swing bar door guard, spring-loaded night latch, foot bolt, or other lock or latch.

(g) "Multiunit rental complex" means two (2) or more dwelling units in one or more buildings that are under common ownership, managed by the same owner, managing agent, or management company, and located on the same lot or tract of land or adjacent lots or tracts of land. The term includes a condominium, cooperative, or townhome project. The term does not include:

(i) A facility primarily renting rooms to overnight guests; or

(ii) A single-family home or adjacent single-family homes that are not part of a condominium, cooperative, or townhome project.

(h) "Pool" means a permanent swimming pool, permanent wading or reflection pool, or permanent hot tub or spa over eighteen (18) inches deep, located at ground level, above ground, below ground, or indoors.

(i) "Pool yard" means an area that contains a pool.

(j) "Pool yard enclosure" or "enclosure" means a fence, wall, or combination of fences, walls, gates, windows, or doors that completely surround a pool.

(k) "Private club" means country club, golf club, tennis club, yacht club, gym or any similar association or organization that provides services or facilities to its members and that is not usually open to the public.

(l) "Property owners association" means an association of property owners for a residential subdivision, a condominium, cooperative or townhome project, or other project involving residential dwellings.

(m) "Sliding-door handle latch" means a latch or lock that is near the handle on a sliding glass door, that is operated with or without a key, and that is designed to prevent the door from being opened.

(n) "Sliding-door pin lock" means a pin or rod that is inserted from the interior side of a sliding glass door at the side opposite the door's handle and that is designed to prevent the door from being opened or lifted.

(o) "Sliding-door security bar" means a bar or rod that can be placed at the bottom of or across the interior side of the fixed panel of a sliding glass door and that is designed to prevent the sliding panel of the door from being opened.

(p) "Tenant" means a person who is obligated to pay rent or other consideration and who is authorized to occupy a

dwelling, to the exclusion of others, under a verbal or written lease or rental agreement.

(q) "Window latch" means a device on a window or window screen that prevents the window or window screen from being opened and that is operated without a key and only from the interior.

SECTION 3. The provisions of this act shall only apply to: a pool owned, controlled or maintained by the owner of a multiunit rental complex, property owners association, or private club; and doors and windows of rental dwellings opening into the pool yard of a multiunit rental complex or a condominium, cooperative, or townhome project. This act does not apply to any private club that does not allow members or guests under the age of twelve (12) or to any multiunit rental complex that does not allow residents under the age of twelve (12).

SECTION 4. (1) Except as otherwise provided by Section 6 of this act, the owner of a multiunit rental complex with a pool or a property owners association that owns, controls or maintains a pool shall completely enclose the pool yard with a pool yard enclosure.

(2) The height of the pool yard enclosure must be at least forty-eight (48) inches as measured from the ground on the side away from the pool.

(3) Openings under the pool yard enclosure may not allow a sphere four (4) inches in diameter to pass under the pool yard enclosure.

(4) If the pool yard enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is at least forty-five (45) inches, the openings may not allow a sphere four (4) inches in diameter to pass through the enclosure.

(5) If the pool yard enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45) inches, the

openings may not allow a sphere one and three-fourths (1-3/4) inches in diameter to pass through the enclosure.

(6) The use of chain-link fencing materials is prohibited entirely for a new pool yard enclosure that is constructed after July 1, 2012. The use of diagonal fencing members that are lower than forty-nine (49) inches above the ground is prohibited for a new pool yard enclosure that is constructed after July 1, 2012.

(7) Decorative designs or cutouts on or in the pool yard enclosure may not contain any openings greater than one and three-fourths (1-3/4) inches in any direction.

(8) Indentations or protrusions in a solid pool yard enclosure without any openings may not be greater than normal construction tolerances and tooled masonry joints on the side away from the pool.

(9) Permanent equipment or structures may not be constructed or placed in a manner that makes them readily available for climbing over the pool yard enclosure.

(10) The wall of a building may be part of the pool yard enclosure only if the doors and windows in the wall comply with Sections 7 and 8 of this act.

(11) The owner of a multiunit rental complex with a pool, or a property owners association that owns, controls or maintains a pool, is not required to:

(a) Build a pool yard enclosure at specified locations or distances from the pool other than distances for minimum walkways around the pool; or

(b) Conform secondary pool yard enclosures, located inside or outside the primary pool yard enclosure, to the requirements of this act.

SECTION 5. (1) Except as otherwise provided by Section 6 of this act, a gate in a fence or wall enclosing a pool yard as required by Section 4 of this act shall:

(a) Have a self-closing and self-latching device;

(b) Have hardware enabling it to be locked, at the option of whoever controls the gate, by a padlock or a built-in lock operated by key, card, or combination; and

(c) Open outward away from the pool yard.

(2) Except as otherwise provided by subsection (3) of this section and Section 6 of this act, a gate latch must be installed so that it is at least sixty (60) inches above the ground, except that it may be installed lower if:

(a) The latch is installed on the pool yard side of the gate only and is at least three (3) inches below the top of the gate; and

(b) The gate or enclosure has no opening greater than one-half (1/2) inch in any direction within eighteen (18) inches from the latch, including the space between the gate and the gatepost to which the gate latches.

(3) A gate latch may be located forty-two (42) inches or higher above the ground if the gate cannot be opened except by key, card, or combination on both sides of the gate.

SECTION 6. (1) If a pool yard enclosure is constructed or modified before July 1, 2012, the provisions of this act shall not apply, except that any gate in a pool yard enclosure shall conform to Section 5 of this act no later than January 1, 2013.

(2) This act provides no exemption from any local ordinance that may apply to the pool yard enclosure.

(3) A pool yard enclosure modified on or after July 1, 2012, shall conform with this section and Sections 4 and 5 of this act as a part of the modification.

SECTION 7. (1) A door, sliding glass door, or French door may not open directly into a pool yard if the date of electrical service for initial construction of the building or pool is on or after July 1, 2012.

(2) A door, sliding glass door, or French door may open directly into a pool yard if the date of electrical service for

initial construction of the building or pool is before July 1, 2012, and the pool yard enclosure complies with subsection (3), (4) or (5) of this section, as applicable.

(3) If a door of a building, other than a sliding glass door or screen door, opens into the pool yard, the door must have a:

(a) Latch that automatically engages when the door is closed;

(b) Spring-loaded door-hinge pin, automatic door closer, or similar device to cause the door to close automatically; and

(c) Keyless bolting device that is installed not less than thirty-six (36) inches or more than forty-eight (48) inches above the interior floor.

(4) If French doors of a building open to the pool yard, one (1) of the French doors must comply with subsection (3)(a) of this section and the other door must have:

(a) A keyed dead bolt or keyless bolting device capable of insertion into the doorjamb above the door, and a keyless bolting device capable of insertion into the floor or threshold; or

(b) A bolt with at least a three-fourths (3/4) inch throw installed inside the door and operated from the edge of the door that is capable of insertion into the doorjamb above the door and another bolt with at least a three-fourths (3/4) inch throw installed inside the door and operated from the edge of the door that is capable of insertion into the floor or threshold.

(5) If a sliding glass door of a building opens into the pool yard, the sliding glass door must have:

(a) A sliding-door handle latch or sliding-door security bar that is installed not more than forty-eight (48) inches above the interior floor; and

(b) A sliding-door pin lock that is installed not more than forty-eight (48) inches above the interior floor.

(6) A door, sliding glass door, or French door that opens into a pool yard from an area of a building that is not used by residents and that has no access to an area outside the pool yard is not required to have a lock, latch, dead bolt; or keyless bolting device.

(7) A keyed dead bolt, keyless bolting device, sliding-door pin lock, or sliding-door security bar installed before July 1, 2012, may be installed not more than fifty-four (54) inches from the floor.

(8) A keyed dead bolt or keyless dead bolt, as described by Section 1 of this act, installed in a dwelling on or after July 1, 2012, must have a bolt with a throw of not less than one (1) inch.

SECTION 8. A wall of a building constructed before July 1, 2012, may not be used as part of a pool yard enclosure unless each window in the wall has a latch and unless each window screen on a window in the wall is affixed by a window screen latch, screws, or similar means. This section does not require the installation of window screens. A wall of a building constructed on or after July 1, 2012, may not be used as part of a pool yard enclosure unless each ground floor window in the wall is permanently closed and unable to be opened.

SECTION 9. Each door, sliding glass door, window, and window screen of each dwelling unit in a residential building located in the enclosed pool yard must comply with Sections 7 and 8 of this act.

SECTION 10. (1) An owner of a multiunit rental complex or a rental dwelling in a condominium, cooperative, or townhome project with a pool or a property owners association that owns, controls or maintains a pool shall exercise ordinary and reasonable care to inspect, maintain, repair and keep in good working order the pool yard enclosures, gates and self-closing and self-latching devices required by this act and within the control of the owner or property owners association.

(2) An owner of a multiunit rental complex or a rental dwelling in a condominium, cooperative, or townhome project with a pool or a property owners association that owns, controls or maintains a pool shall exercise ordinary and reasonable care to maintain, repair and keep in good working order the window latches, sliding-door handle latches, sliding-door pin locks, and sliding-door security bars required by this act and within the control of the owner or property owners association after request or notice from the tenant that those devices are malfunctioning or in need of repair or replacement.

(3) An owner of a multiunit rental complex or a rental dwelling in a condominium, cooperative, or townhome project with a pool or a property owners association that owns, controls or maintains a pool shall inspect the pool yard enclosures, gates, and self-closing and self-latching devices on gates no less than once every thirty-one (31) days.

(4) An owner's or property owners association's duty of inspection, repair, and maintenance under this section may not be waived under any circumstances and may not be enlarged except by written agreement with a tenant or occupant of a multiunit rental complex or a member of a property owners association or as may be otherwise allowed by this act.

SECTION 11. (1) Except as provided by subsection (2) of this section and Section 12 of this act, a person who constructs or modifies a pool yard enclosure to conform with this act may not be required to construct the enclosure differently by a local governmental entity, common law or any other law.

(2) An owner of a multiunit rental complex or a rental dwelling in a condominium, cooperative, or townhome project with a pool or a property owners association that owns, controls or maintains a pool may, at the person's option, exceed the standards of this act or those adopted by the State Board of Health under Section 12 of this act. A tenant or occupant in a multiunit

rental complex and a member of a property owners association may, by express written agreement, require the owner of the complex or the association to exceed those standards.

(3) A municipality may continue to require greater overall height requirements for pool yard enclosures if the requirements exist under the municipality's ordinances on July 1, 2012.

SECTION 12. (1) A tenant of an owner of a multiunit rental complex, a member of a property owners association, a governmental entity, or any other person or the person's representative may maintain an action against the owner or property owners association for failure to comply with the requirements of this act. In that action, the person may obtain:

(a) A court order directing the owner or property owners association to comply with this act;

(b) A judgment against the owner or property owners association for actual damages resulting from the failure to comply with the requirements of this act;

(c) A judgment against the owner or property owners association for attorney's fees if the actual damages to the person were caused by the owner's or property owners association's intentional, malicious or grossly negligent actions; or

(d) A judgment against the owner or property owners association for a civil penalty of not more than Five Thousand Dollars (\$5,000.00) if the owner or property owners association fails to comply with this act within a reasonable time after written notice by a tenant of the multiunit rental complex or a member of the property owners association; the court may award reasonable attorney's fees and costs to the prevailing party in an action brought under this subsection (1)(d).

(2) The Attorney General, a local health department, a municipality, or a county having jurisdiction may enforce this act by any lawful means, including inspections, permits, fees, civil fines, criminal prosecutions, injunctions, and after required

notice, governmental construction or repair of pool yard enclosures that do not exist or that do not comply with this act.

SECTION 13. The owner of a multiunit rental complex or a property owners association is not required to enclose a body of water or construct barriers between the owner's or property owners association's property and a body of water such as an ocean, bay, lake, pond, bayou, river, creek, stream, spring, reservoir, stock tank, culvert, drainage ditch, detention pond, or other flood or drainage facility.

SECTION 14. Except to the extent that any local or state regulation or local ordinance imposes a stricter standard, the duties established by this act for an owner of a multiunit dwelling project, an owner of a dwelling in a condominium, cooperative, or townhome project and a property owners association supersede those established by common law and any local or state agency regulation and local ordinances relating to duties to inspect, install, repair or maintain:

- (a) Pool yard enclosures;
- (b) Pool yard enclosure gates and gate latches, including self-closing and self-latching devices;
- (c) Keyed dead bolts, keyless bolting devices, sliding-door handle latches, sliding-door security bars, self-latching and self-closing devices, and sliding-door pin locks on doors that open into a pool yard area and that are owned and controlled by the owner or property owners association; and
- (d) Latches on windows that open into a pool yard area and that are owned and controlled by the owner or property owners association.

SECTION 15. The remedies contained in this act are not exclusive and are not intended to affect existing remedies allowed by law or other procedures.

SECTION 16. The provisions of this act shall be liberally construed to promote its underlying purpose which is to prevent swimming pool deaths and injuries in this state.

SECTION 17. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

House Bill 1297

Description: Health insurance claims; revise time limitations for audits of claims made by Division of Medicaid.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 532

History of Actions:

- 1 02/20 (H) Referred To Insurance;Medicaid
- 2 02/28 (H) DR - TSDP: IN To ME
- 3 02/29 (H) DR - TSDP: ME To IN
- 4 02/29 (H) Title Suff Do Pass
- 5 03/08 (H) Passed
- 6 03/09 (H) Transmitted To Senate
- 7 03/16 (S) Referred To Public Health and Welfare
- 8 04/03 (S) Title Suff Do Pass
- 9 04/09 (S) Amended
- 10 04/09 (S) Passed As Amended
- 11 04/10 (S) Returned For Concurrence
- 12 04/11 (H) Decline to Concur/Invite Conf
- 13 04/20 (H) Conferees Named Chism,Barker,Howell
- 14 04/24 (S) Conferees Named Kirby,Bryan,Burton
- 15 04/30 (S) Conference Report Filed
- 16 04/30 (H) Conference Report Filed
- 17 05/01 (S) Conference Report Adopted
- 18 05/01 (H) Conference Report Adopted
- 19 05/08 (H) Enrolled Bill Signed
- 20 05/09 (S) Enrolled Bill Signed
- 21 05/22 Approved by Governor

Amendments:

[S] Amendment No 1 *Adopted*

Amendment Report for House Bill No. 1297

Conference Reports:

Conference Report

Code Section: A 083-0041-0219

----- Additional Information -----

House Committee: Insurance, Medicaid

Senate Committee: Public Health and Welfare

Principal Author: Barker

Additional Authors: Gardner

2012 GENERAL LAWS OF MISSISSIPPI, HB 1297

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representatives Barker, Gardner

To: Insurance; Medicaid

HOUSE BILL NO. 1297
(As Sent to Governor)

AN ACT TO AMEND SECTION 83-41-219, MISSISSIPPI CODE OF 1972, TO REVISE THE TIME LIMITATIONS FOR AUDITS OF CLAIMS MADE BY THE DIVISION OF MEDICAID; TO PROVIDE THAT THE RECIPROCAL TIME LIMITATIONS FOR AUDITS OF CLAIMS DO NOT APPLY TO AUDITS THAT WERE OPENED BEFORE JULY 1, 2012; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 83-41-219, Mississippi Code of 1972, is amended as follows:

83-41-219. (1) If any health insurance issuer or other health insurance benefit payer limits the time in which a health care provider or other person is required to submit a claim for payment, the health insurance issuer or other health insurance benefit payer shall have the same time limit following payment of the claim to perform any review or audit for reconsidering the validity of the claim and requesting reimbursement for payment of an invalid claim or overpayment of a claim.

(2) If any health insurance issuer or other health insurance benefit payer does not limit the time in which a health care provider or other person is required to submit a claim for payment, the health insurance issuer or other health insurance benefit payer may not request reimbursement or offset another claim payment for reimbursement of an invalid claim or overpayment of a claim more than twelve (12) months after the payment of an invalid or overpaid claim.

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(3) Nothing in this section shall apply to:

(a) Audits that were opened before July 1, 2012;

(b) Audits of * * * pharmacies as provided in Section 73-21-175 et seq.;

(c) * * * Claims submitted by providers for reimbursement under the Mississippi Medicaid Program, except that all audits of claims and payments made by or on behalf of the Division of Medicaid are limited to a maximum of five (5) years after final filing of the claim; and

(d) Claims submitted in the context of misrepresentation, omission, concealment, or fraud by the health care provider or other person.

SECTION 2. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

House Bill 1349

Description: MS Director of MDA; authorize salary to exceed Governor's by 150%, and revise salary of State Public Defender.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 383

History of Actions:

- 1 02/20 (H) Referred To Fees and Salaries of Public Officers; Appropriations
- 2 03/01 (H) DR - TSDP: FS To AP
- 3 03/06 (H) DR - TSDP: AP To FS
- 4 03/06 (H) Title Suff Do Pass
- 5 03/09 (H) Read the Third Time
- 6 03/14 (H) Amended
- 7 03/14 (H) Passed As Amended
- 8 03/19 (H) Transmitted To Senate
- 9 03/22 (S) Referred To Accountability, Efficiency, Transparency
- 10 03/29 (S) Title Suff Do Pass As Amended
- 11 04/05 (S) Amended
- 12 04/05 (S) Passed As Amended
- 13 04/05 (S) Motion to Reconsider Entered
- 14 04/10 (S) Motion to Reconsider Tabled
- 15 04/10 (S) Returned For Concurrence
- 16 04/11 (H) Decline Concur/Inv Conf Lost
- 17 04/11 (H) Concurred in Amend From Senate
- 18 04/11 (H) Motion to Reconsider Entered (Malone, Read, Straughter)
- 19 04/12 (H) Motion to Reconsider Tabled
- 20 04/17 (H) Enrolled Bill Signed
- 21 04/17 (S) Enrolled Bill Signed
- 22 04/17 Approved by Governor

Amendments:

- [H] Amendment No 1 *Adopted*
- [H] Amendment No 2 *Adopted*
- [S] Committee Amendment No 1 *Adopted*
- [S] Amendment No 1 to Committee Amendment No 1 *Lost*
- [S] Amendment No 2 *Lost*
- [S] Amendment No 3 *Adopted*
- [S] Amendment No 4 *Adopted*
- [S] Amendment No 5 *Lost*

2012 GENERAL LAWS OF MISSISSIPPI, HB 1349

Amendment Report for House Bill No. 1349

Code Section: A 025-0003-0039, A 099-0018-0001

----- Additional Information -----

House Committee: Fees and Salaries of Public Officers, Appropriations

Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Huddleston (15th)

2012 GENERAL LAWS OF MISSISSIPPI, HB 1349

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representative Huddleston (15th)

To: Fees and Salaries of
Public Officers;
Appropriations

HOUSE BILL NO. 1349
(As Sent to Governor)

AN ACT TO AMEND SECTION 25-3-39, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SALARY OF THE EXECUTIVE DIRECTOR OF THE MISSISSIPPI DEVELOPMENT AUTHORITY TO BE GREATER THAN 150% OF THE SALARY OF THE GOVERNOR AND TO BE SUPPLEMENTED WITH FUNDS FROM ANY SOURCE, INCLUDING FEDERAL OR PRIVATE FUNDS; TO AMEND SECTION 99-18-1, MISSISSIPPI CODE OF 1972, TO REVISE THE SALARY OF THE STATE PUBLIC DEFENDER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-3-39, Mississippi Code of 1972, is amended as follows:

25-3-39. (1) (a) Except as otherwise provided in this section, no public officer, public employee, administrator, or executive head of any arm or agency of the state, in the executive branch of government, shall be paid a salary or compensation, directly or indirectly, greater than one hundred fifty percent (150%) of the salary fixed in Section 25-3-31 for the Governor, nor shall the salary of any public officer, public employee, administrator, or executive head of any arm or agency of the state, in the executive branch of government, be supplemented with any funds from any source, including federal or private funds. Such salaries shall be completely paid by the state. All academic officials, members of the teaching staffs and employees of the state institutions of higher learning, the State Board for Community and Junior Colleges, and community and junior colleges, and licensed physicians who are public employees, shall be exempt from this subsection. * * * All professional employees who hold a bachelor's degree or more advanced degree from an accredited four-year college or university or a certificate or license issued by a state licensing board, commission or agency and who are

employed by the Department of Mental Health shall be exempt from this subsection if the State Personnel Board approves the exemption.

(b) The Governor shall fix the annual salary of the Executive Director of the Mississippi Development Authority and the annual salary of the Chief of Staff of the Governor's Office. The salary of the Governor's Chief of Staff shall not be greater than one hundred fifty percent (150%) of the salary of the Governor and shall be completely paid by the state without supplementation from another source. The salary of the Executive Director of the Mississippi Development Authority may be greater than one hundred fifty percent (150%) of the salary of the Governor and may be supplemented with funds from any source, including federal or private funds; however, any state funds used to pay the salary of the Executive Director of the Mississippi Development Authority shall not exceed one hundred fifty percent (150%) of the salary of the Governor. If the executive director's salary is supplemented with private funds, the Mississippi Development Authority shall publish on its website the amount of the supplement and the name of the donor of the private funds.

(2) No public officer, employee or administrator shall be paid a salary or compensation, directly or indirectly, in excess of the salary authorized to be paid the executive head of the state agency or department in which he is employed. The State Personnel Board, based upon its findings of fact, may exempt physicians and actuaries from this subsection when the acquisition of such professional services is precluded based on the prevailing wage in the relevant labor market.

(3) The executive head of any state agency or department appointed by the Governor, in such executive head's discretion, may waive all or any portion of the salary or compensation lawfully established for the position.

2012 GENERAL LAWS OF MISSISSIPPI, HB 1349

SECTION 2. Section 99-18-1, Mississippi Code of 1972, is amended as follows:

99-18-1. (1) There is hereby created the Office of State Public Defender. The Office of State Public Defender shall consist of a State Defender who shall be appointed by the Governor with the advice and consent of the Senate for a term of four (4) years and staffed by any necessary personnel as determined and hired by the State Defender.

(2) Funding for the Office of State Public Defender shall come from funds available in the Capital Defense Counsel Fund, the Indigent Appeals Fund and the Public Defenders Education Fund as determined by the State Defender. The State Defender shall have the authority to transfer funds between the various funds to efficiently and effectively accomplish the mission of the Office of State Public Defender and its divisions.

(3) The State Defender must be a duly licensed attorney admitted to the practice of law in this state, have practiced in the area of criminal law for at least five (5) years and shall meet all qualifications to serve as lead trial and appellate counsel in death penalty cases as may be set by the Supreme Court of Mississippi. The salary of the State Defender shall be no more than the maximum amount allowed by statute for a district attorney.

(4) The State Defender may be removed by the Governor upon finding that the State Defender is not qualified under law, has failed to perform the duties of the office, or has acted beyond the scope of the authority granted by law for the office.

(5) The Office of State Public Defender shall be responsible for the administration, budget and finances of the Divisions of Capital Defense Counsel, Indigent Appeals and Public Defender Training, which shall be divisions of the Office of State Public Defender.

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(6) The State Defender may simultaneously serve as State Defender and as director of one or more divisions but shall receive no additional compensation for doing so. Nothing in this chapter shall prohibit the State Defender from directly representing clients of the office. Nothing in this chapter shall be construed to prevent an employee of one (1) division of the Office of the State Public Defender from working in part or in whole for another division.

(7) The State Defender shall coordinate the collection and dissemination of statistical data and make such reports as are required of the divisions, develop plans and proposals for further development of a statewide public defender system in coordination with the Mississippi Public Defenders Task Force and to act as spokesperson for all matters relating to indigent defense representation.

SECTION 3. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2012 Regular Session

House Bill 1405

Description: IEP meetings; authorize parents to record or opt to have school districts provide written record or recording.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 548

History of Actions:

- 1 02/20 (H) Referred To Education
- 2 03/06 (H) Title Suff Do Pass Comm Sub
- 3 03/13 (H) Read the Third Time
- 4 03/15 (H) Committee Substitute Adopted
- 5 03/15 (H) Passed
- 6 03/19 (H) Transmitted To Senate
- 7 03/22 (S) Referred To Education
- 8 04/03 (S) Title Suff Do Pass As Amended
- 9 04/04 (S) Amended
- 10 04/04 (S) Passed As Amended
- 11 04/05 (S) Returned For Concurrence
- 12 04/13 (H) Decline to Concur/Invite Conf
- 13 04/20 (H) Conferees Named Moore, Crawford, Clarke
- 14 04/24 (S) Conferees Named Tollison, Burton, Carmichael
- 15 04/28 (S) Conference Report Filed
- 16 04/28 (H) Conference Report Filed
- 17 04/30 (H) Conference Report Adopted
- 18 05/01 (S) Conference Report Adopted
- 19 05/08 (H) Enrolled Bill Signed
- 20 05/09 (S) Enrolled Bill Signed
- 21 05/22 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 1405

Conference Reports:

Conference Report

Code Section: A 037-0023-0137, A 037-0023-0031, A 037-0023-0195

----- Additional Information -----

House Committee: Education

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Senate Committee: Education

Principal Author: Crawford

Additional Authors: Monsour, Dixon

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representatives Crawford, Monsour, Dixon To: Education

HOUSE BILL NO. 1405
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 37-23-137, 37-23-31 AND 37-23-195, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A PARENT OF AN EXCEPTIONAL CHILD TO RECORD INDIVIDUALIZED EDUCATION PROGRAM (IEP) MEETINGS WITH AUDIO OR VISUAL RECORDING; TO REQUIRE THAT SUCH PARENTAL RIGHT TO RECORD BE INCLUDED IN THE PROCEDURAL SAFEGUARDS; TO PERMIT SCHOOL BOARDS, BOARDS OF SUPERVISORS AND MUNICIPAL GOVERNING AUTHORITIES TO AUTHORIZE THE USE OF DOGS WITH THE ABILITY TO DETECT DIABETES IN SCHOOLS AND PUBLIC PLACES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-23-137, Mississippi Code of 1972, is amended as follows:

37-23-137. (1) Consent shall be obtained:

- (a) Prior to initial evaluation;
- (b) Prior to implementation of the initial individualized educational program for a child with a disability;
- (c) Prior to reevaluation, except that such consent is not required, if the local educational agency can demonstrate that it had taken reasonable measures to obtain such consent and the parent failed to respond; and
- (d) Prior to the release of educational records as required under the Family Educational Rights and Privacy Act and IDEA.

(2) If the parent of a child with a disability refuses consent for the evaluation, the local educational agency may continue to pursue an evaluation by utilizing the due process hearing procedures under IDEA, except to the extent these are not in conflict with Mississippi law relating to parental consent.

(3) Written prior notice shall be provided to the parents of the child whenever a local educational agency proposes to initiate

or change or refuses to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to that child.

(4) Written prior notice shall be provided in the native language of the parents, unless it clearly is not feasible to do so.

(5) Written prior notice shall include:

(a) A description of the action proposed or refused by the local educational agency;

(b) An explanation of why the local educational agency proposes or refuses to take the action;

(c) A description of any other options that the local educational agency considered and the reasons why those options were rejected;

(d) A description of any other factors that are relevant to the local educational agency's proposal or refusal;

(e) A description of each evaluation procedure, test, record, or report the local educational agency used as a basis for the proposed or refused action;

(f) A description of any factors that are relevant to the local educational agency's proposal or refusal;

(g) A statement that the parents of a child with a disability have protection under the procedural safeguards under IDEA and, if the notice is not an initial referral for evaluation, notification of an individualized educational program meeting or notice for reevaluation, the means by which a copy of a description of procedural safeguards can be obtained; and

(h) Sources for parents to contact to obtain assistance in understanding the provisions under IDEA.

(6) A copy of the procedural safeguards established by the State Department of Education shall be given to the parents upon:

(a) Initial referral for evaluation, reevaluation or parent request for evaluation;

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- (b) The child's initial IEP meeting;
- (c) Registration of a complaint under IDEA to the State Department of Education;
- (d) Upon a request by a parent; and
- (e) If there is no circumstance giving rise to the purpose of parents receiving a copy of the procedural safeguards under paragraphs (a), (b) and (c) of this subsection, then the parents shall be provided with a copy of the procedural safeguards at least once on an annual basis.

The procedural safeguards shall include provisions which allow parents to be informed of the parental right to record IEP meetings by means of an audio or visual recording device or written transcript at the parent's own expense if they so desire a record of the meeting.

(7) The State Department of Education and each local educational agency shall establish procedures to ensure parents of children with disabilities have the opportunity to participate in meetings with respect to the identification, evaluation, and education placement of the child, and the provision of a free appropriate public education of such child. Local educational agencies shall provide parents of children with disabilities an opportunity to provide input in the development of the agencies' application for funding, as required under IDEA.

(8) The parent or guardian or local educational agency shall have the right to audio record the proceedings of individualized education program team meetings. The parent or guardian or local educational agency shall notify the members of the individualized education program team of his, her, or its intent to audio record a meeting at least twenty-four (24) hours prior to the meeting.

(9) In conducting the evaluation, the local educational agency shall:

- (a) Use a variety of assessment tools and strategies to gather relevant functional and developmental information,

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including information provided by the parent, that may assist in determining whether the child is a child with a disability and the content of the child's individualized education program including information related to enabling the child to be involved in and progress in the general curriculum or, for preschool children, to participate in appropriate activities;

(b) Not use any single procedure as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and

(c) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(10) Each local educational agency shall ensure that:

(a) Tests and other evaluation materials used to assess a child are:

(i) Selected and administered so as not to be discriminatory on a racial or cultural basis; and

(ii) Provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;

(b) Any standardized tests that are given to the child:

(i) Have been validated for the specific purpose for which they are used;

(ii) Are administered by trained and knowledgeable personnel; and

(iii) Are administered in accordance with any instructions provided by the producer of such tests;

(c) The child is assessed in all areas of suspected disability; and

(d) Assessment tools and strategies that provide relevant information that directly assist persons in determining the educational needs of the child are provided.

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(11) Upon completion of administration of tests and other evaluation materials:

(a) The determination of whether the child is a child with a disability as defined under IDEA and state regulations established by the State Board of Education shall be made by a team of qualified professionals and the parent of the child and certified by a Screening Team as defined by the State Board of Education;

(b) In making such a determination of eligibility, a child shall not be determined to be a child with a disability if the determinant factor for such determination is lack of instruction in reading or math or limited English proficiency; and

(c) A copy of the evaluation report and the documentation of determination of eligibility will be given to the parent.

(12) Parents shall have an opportunity to obtain an independent educational evaluation of their child in accordance with the requirements under IDEA.

(13) An outside individual or entity contracting with a local educational agency for the purpose of performing an observation in order to make recommendations of possible changes in a child's IEP, or any outside individual or entity making an observation of a child which results in such recommendations, shall submit a report of the observation to the local educational agency. The local educational agency shall notify the parent upon receipt of this report.

(14) Parents and guardians shall have the right of review or to receive copies of all educational records, as such records are defined by the Family Educational Rights and Privacy Act and the Individuals with Disabilities Education Act, pertaining to their child. The local educational agency shall be responsible for making the educational records available to the parent or guardian. The cost of providing a copy of any information

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contained in a student's educational record to the parents or guardians shall be established by the local school board in accordance with the requirements of the Family Educational Rights and Privacy Act and the Individuals with Disabilities Education Act.

SECTION 2. Section 37-23-31, Mississippi Code of 1972, is amended as follows:

37-23-31. (1) When five (5) or more children under twenty-one (21) years of age who because of deafness, aphasia, emotional disturbance and/or other low-incidence conditions, are unable to have their educational needs met in a regular public school program, and a special education program in their particular areas of exceptionality is not available in their respective local public school districts, a state-supported university or college shall be authorized and empowered, in its discretion, to provide a program of education, instruction and training to such children, provided that such program shall operate under rules, regulations, policies and standards adopted by the State Department of Education as provided for in Section 37-23-33. The opinion of a parent or guardian in regard to the provision of an appropriate special education program in or by their respective local public school district shall be considered before a placement decision is finalized. Parents shall have any and all rights as provided in the Individuals with Disabilities Education Act, including, but not limited to, the right to equal participation in their child's Individualized Education Program (IEP), the right to require review of their child's IEP, and the right to appeal an IEP Committee decision immediately. The parent or guardian or local educational agency shall have the right to audio record the proceedings of individualized education program team meetings. The parent or guardian or local educational agency shall notify the members of the individualized education program

team of his, her, or its intent to audio record a meeting at least twenty-four (24) hours prior to the meeting.

(2) Any state-supported university or college conducting a full-time medical teaching program acceptable to the State Board of Education may, at its discretion, enter into such contracts or agreements with any private school or nonprofit corporation-supported institution, the Mississippi School for the Deaf, or any state-supported institution, providing the special education contemplated by this section for such services, provided the private school or institution offering such services shall have conducted a program of such services at standards acceptable to the State Department of Education for a period of at least one (1) year prior to the date at which the university or college proposes to enter into an agreement or contract for special educational services as described above.

SECTION 3. Section 37-23-195, Mississippi Code of 1972, is amended as follows:

37-23-195. Each appropriate educational entity shall provide for the development of an IEP or 504 Plan for each blind or visually impaired student eligible for educational services or equipment, or both, under Sections 37-23-1 through 37-23-157. In developing the written IEP or 504 Plan for each blind or visually impaired student, there shall be a presumption that proficiency in Braille reading and writing is essential for the student to achieve satisfactory educational progress. The assessment required for each student shall be conducted by a blindness assessment specialist and shall include, at a minimum, a Braille skills inventory, or if necessary in the determination of the IEP Committee, a comprehensive assistive technology evaluation. The assessment shall include a statement of the student's strengths and deficits. If, in the course of developing a student's IEP or 504 Plan, the majority of members of the team concur that the student's visual impairment does not affect reading and writing

performance commensurate with ability, Braille instruction and use shall not be required by this section for that student. Nothing in this section shall require the exclusive use of Braille if other specialized educational services are appropriate to the student's educational needs. However, the provision of other appropriate services shall not preclude Braille use or instruction, unless other assistive technology devices are determined more appropriate by the assessment specialist.

The parent or guardian or local educational agency shall have the right to audio record the proceedings of individualized education program team meetings. The parent or guardian or local educational agency shall notify the members of the individualized education program team of his, her, or its intent to audio record a meeting at least twenty-four (24) hours prior to the meeting.

SECTION 4. (1) The Legislature recognizes the necessity of school districts to provide reasonable accommodations to students and licensed employees of a school district who are diagnosed with debilitating illnesses or disabilities, including, but not limited to, diabetes and epilepsy.

(2) The school board of any school district shall authorize the use, in all district facilities and property, of service or assistance dogs which have been specifically trained to alert people of symptoms or conditions resulting from a debilitating illness or disability that threaten their health.

(3) In providing accommodations for students, the parent of a child with such illness or disability, the teacher or teachers of the student and the appropriate school administrator shall meet and develop a written 504 Plan consistent with the provisions of Chapter 23, Title 37, Mississippi Code of 1972, that would permit the use of service dogs in the school facility. Also, in providing accommodations for students, the teacher or teachers of the student and the appropriate school administrator shall develop a plan designed to educate other students of the appropriate

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behavior in the presence of such dogs, as well as the proper handling of such dogs in the presence of those students who may have an allergic reaction to the dog and the reasonable care to be taken in efforts to prevent contact by students who are allergic with such dogs.

SECTION 5. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

House Bill 1450

Description: Technology services; require Mississippi Department of Technology Services to consolidate those used by state agencies.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 498

History of Actions:

- 1 02/20 (H) Referred To S.C. Accountblty/Efficiency/Transparency
- 2 03/05 (H) Title Suff Do Pass Comm Sub
- 3 03/13 (H) Read the Third Time
- 4 03/15 (H) Committee Substitute Adopted
- 5 03/15 (H) Passed
- 6 03/19 (H) Transmitted To Senate
- 7 03/22 (S) Referred To Accountability, Efficiency, Transparency
- 8 04/03 (S) Title Suff Do Pass As Amended
- 9 04/10 (S) Amended
- 10 04/10 (S) Passed As Amended
- 11 04/11 (S) Returned For Concurrence
- 12 04/18 (H) Concurred in Amend From Senate
- 13 04/20 (H) Enrolled Bill Signed
- 14 04/23 (S) Enrolled Bill Signed
- 15 05/01 Approved by Governor

Amendments:

[S] Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 1450

Code Section: A 025-0053-0001, A 025-0053-0003, A 025-0053-0005, A 025-0053-0025

----- Additional Information -----

House Committee: S.C. Accountblty/Efficiency/Transparency

Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Turner

Additional Authors: Dixon

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representatives Turner, Dixon

To: S.C.
Accountblty/Efficiency/Transp
agency

HOUSE BILL NO. 1450
(As Sent to Governor)

AN ACT RELATING TO THE PLANNING AND IMPLEMENTATION OF THE STATE'S INFORMATION TECHNOLOGY RESOURCES BY THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES; TO AMEND SECTION 25-53-1, MISSISSIPPI CODE OF 1972, TO DECLARE LEGISLATIVE INTENT; TO AMEND SECTION 25-53-3, MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS; TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, TO DIRECT THE DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES TO MANAGE ONE OR MORE STATE DATA CENTERS TO PROVIDE INFORMATION TECHNOLOGY SERVICES ON A COST-SHARING BASIS; TO PROVIDE THAT THE SHARING OF TECHNOLOGY SERVICES, THE USE OF BUSINESS APPLICATIONS THAT ARE HOSTED AT THE STATE DATA CENTER, AND THE CREATION OF PARTNERSHIPS TO CAPITALIZE ON ADVANCED TECHNOLOGY RESOURCES, BETWEEN THE AUTHORITY AND STATE INSTITUTIONS OF HIGHER LEARNING OR COMMUNITY COLLEGES SHALL ONLY OCCUR WHEN BOTH THE AUTHORITY AND THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING OR THE MISSISSIPPI COMMUNITY COLLEGE BOARD AGREE THAT SUCH ACTIONS ARE MUTUALLY BENEFICIAL, FOLLOWING A FORMAL DETERMINATION BY THE AUTHORITY AND THE APPLICABLE BOARD; TO DIRECT THE DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES TO INCREASE FEDERAL PARTICIPATION IN THE STATE DATA CENTER AND ITS SHARED TECHNOLOGY INFRASTRUCTURE; TO AMEND SECTION 25-53-25, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-53-1, Mississippi Code of 1972, is amended as follows:

25-53-1. The Legislature hereby recognizes that in order for the State of Mississippi to receive the maximum use and benefit from information technology and services now in operation or which will in the future be placed in operation, there should be full cooperation and cohesive planning and effort by and between the several state agencies and that it is the responsibility of the said Legislature to provide statutory authority therefor. The Legislature, therefore, declares and determines that for these and other related purposes there is hereby established an agency of state government to be known as the Mississippi Department of

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Information Technology Services (MDITS). The Legislature further declares that the Mississippi Department of Information Technology Services (MDITS) shall provide statewide services that facilitate cost-effective information processing and telecommunication solutions. State agencies shall work in full cooperation with the board of MDITS to identify opportunities to minimize duplication, reduce costs and improve the efficiency of providing common technology services across agency boundaries.

SECTION 2. Section 25-53-3, Mississippi Code of 1972, is amended as follows:

25-53-3. (1) Whenever the term "Central Data Processing Authority" or the term "authority," when referring to the Central Data Processing Authority, is used in any law, rule, regulation, document or elsewhere, it shall be construed to mean the Mississippi Department of Information Technology Services.

(2) For the purposes of this chapter the following terms shall have the meanings ascribed in this section unless the context otherwise requires:

(a) "Central Data Processing Authority" and "CDPA" mean "Mississippi Department of Information Technology Services (MDITS)" and the term "authority" means "board of the MDITS."

(b) "Bureau of Systems Policy and Planning," "Bureau of Telecommunications," "Bureau of Central Data Processing" and "bureau" mean "Mississippi Department of Information Technology Services."

(c) "Computer equipment or services" means any information technology, computer or computer related telecommunications equipment, electronic word processing and office systems, or services utilized in connection therewith, including, but not limited to, all phases of computer software and consulting services, and insurance on all state-owned computer equipment.

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(d) "Acquisition" of computer or telecommunications equipment or services means the purchase, lease, rental, or acquisition in any other manner of any such computer or telecommunications equipment or services.

(e) "Agency" means and includes all the various state agencies, officers, departments, boards, commissions, offices and institutions of the state * * *.

(f) "Governing authority" means boards of supervisors, governing boards of all school districts, all boards of directors of public water supply districts, boards of directors of master public water supply districts, municipal public utility commissions, governing authorities of all municipalities, port authorities, commissioners and boards of trustees of any public hospitals and any political subdivision of the state supported wholly or in part by public funds of the state or political subdivisions thereof.

(g) "Bid" means any of the valid source selection techniques and competitive procurement methods appropriate to information technology procurement in the public sector, including, but not limited to, competitive sealed bidding, competitive sealed proposals, simplified small purchase procedures, sole source procurements, and emergency procurements.

(h) "Telecommunications transmission facility" means any transmission medium, switch, instrument, inside wiring system or other facility which is used, in whole or part, to provide any transmission.

(i) "Equipment support contract" means a contract which covers a single, specific class or classes of telecommunications equipment or service and all features associated with that class, through which state agencies may purchase or lease the item of equipment or service specified by issuing a purchase order under the terms of the contract without the necessity of further competitive bidding.

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(j) "Inside wiring system" means any wiring which:

(i) Directly or indirectly, interconnects any terminal equipment with any other terminal equipment or with any regulated facility or common carrier services; and

(ii) Is located at the premises of the customer and is not inside any terminal equipment.

(k) "Procurement" means the selling, buying, purchasing, renting, leasing or otherwise obtaining telecommunications equipment, system or related services, as well as activities engaged in, resulting in or expected to result in selling, buying, purchasing, renting, leasing or otherwise obtaining telecommunications equipment.

(l) "Telecommunications equipment, systems, related services" are limited to the equipment and means to provide:

(i) Telecommunications transmission facilities.

(ii) Telephone systems, including voice processing systems.

(iii) Facsimile systems.

(iv) Radio paging services.

(v) Mobile telephone services, including cellular mobile telephone service.

(vi) Intercom and paging systems.

(vii) Video teleconferencing systems.

(viii) Personal communications networks and services.

(ix) Any and all systems based on emerging and future telecommunications technologies relative to (i) through (viii) above.

(m) "Telecommunications system lease contract" means a contract between a supplier of telecommunications systems, including equipment and related services, and the Mississippi Department of Information Technology Services through which telecommunications systems, including equipment and related

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services, may be leased for a term which shall not exceed sixty (60) months for a system lease valued less than One Million Dollars (\$1,000,000.00) and shall not exceed one hundred twenty (120) months for a system lease valued One Million Dollars (\$1,000,000.00) or more.

(n) "Tariffed or regulated service" means telecommunications service offered by common carriers and subject to control by the Mississippi Public Service Commission or the Federal Communications Commission.

(o) "State Data Center" means one or more facilities operated by the Mississippi Department of Information Technology Services to provide information technology resources requiring enterprise computing resources or any other centrally managed information resources.

SECTION 3. Section 25-53-5, Mississippi Code of 1972, is amended as follows:

25-53-5. The authority shall have the following powers, duties, and responsibilities:

(a) The authority shall provide for the development of plans for the efficient acquisition and utilization of computer equipment and services by all agencies of state government, and provide for their implementation. In so doing, the authority may use the MDITS' staff, at the discretion of the executive director of the authority, or the authority may contract for the services of qualified consulting firms in the field of information technology and utilize the service of such consultants as may be necessary for such purposes.

(b) The authority shall immediately institute procedures for carrying out the purposes of this chapter and supervise the efficient execution of the powers and duties of the office of executive director of the authority. In the execution of its functions under this chapter, the authority shall maintain as a paramount consideration the successful internal organization

and operation of the several agencies so that efficiency existing therein shall not be adversely affected or impaired. In executing its functions in relation to the institutions of higher learning and junior colleges in the state, the authority shall take into consideration the special needs of such institutions in relation to the fields of teaching and scientific research.

(c) Title of whatever nature of all computer equipment now vested in any agency of the State of Mississippi is hereby vested in the authority, and no such equipment shall be disposed of in any manner except in accordance with the direction of the authority or under the provisions of such rules and regulations as may hereafter be adopted by the authority in relation thereto.

(d) The authority shall adopt rules, regulations, and procedures governing the acquisition of computer and telecommunications equipment and services which shall, to the fullest extent practicable, insure the maximum of competition between all manufacturers of supplies or equipment or services. In the writing of specifications, in the making of contracts relating to the acquisition of such equipment and services, and in the performance of its other duties the authority shall provide for the maximum compatibility of all information systems hereafter installed or utilized by all state agencies and may require the use of common computer languages where necessary to accomplish the purposes of this chapter. The authority may establish by regulation and charge reasonable fees on a nondiscriminatory basis for the furnishing to bidders of copies of bid specifications and other documents issued by the authority.

(e) The authority shall adopt rules and regulations governing the sharing with, or the sale or lease of information technology services to any nonstate agency or person. Such regulations shall provide that any such sharing, sale or lease shall be restricted in that same shall be accomplished only where such services are not readily available otherwise within the

state, and then only at a charge to the user not less than the prevailing rate of charge for similar services by private enterprise within this state.

(f) The authority may, in its discretion, establish a special technical advisory committee or committees to study and make recommendations on technology matters within the competence of the authority as the authority may see fit. Persons serving on the Information Resource Council, its task forces, or any such technical advisory committees shall be entitled to receive their actual and necessary expenses actually incurred in the performance of such duties, together with mileage as provided by law for state employees, provided the same has been authorized by a resolution duly adopted by the authority and entered on its minutes prior to the performance of such duties.

(g) The authority may provide for the development and require the adoption of standardized computer programs and may provide for the dissemination of information to and the establishment of training programs for the personnel of the various information technology centers of state agencies and personnel of the agencies utilizing the services thereof.

(h) The authority shall adopt reasonable rules and regulations requiring the reporting to the authority through the office of executive director of such information as may be required for carrying out the purposes of this chapter and may also establish such reasonable procedures to be followed in the presentation of bills for payment under the terms of all contracts for the acquisition of computer equipment and services now or hereafter in force as may be required by the authority or by the executive director in the execution of their powers and duties.

(i) The authority shall require such adequate documentation of information technology procedures utilized by the various state agencies and may require the establishment of such organizational structures within state agencies relating to

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information technology operations as may be necessary to effectuate the purposes of this chapter.

(j) The authority may adopt such further reasonable rules and regulations as may be necessary to fully implement the purposes of this chapter. All rules and regulations adopted by the authority shall be published and disseminated in readily accessible form to all affected state agencies, and to all current suppliers of computer equipment and services to the state, and to all prospective suppliers requesting the same. Such rules and regulations shall be kept current, be periodically revised, and copies thereof shall be available at all times for inspection by the public at reasonable hours in the offices of the authority. Whenever possible no rule, regulation or any proposed amendment to such rules and regulations shall be finally adopted or enforced until copies of said proposed rules and regulations have been furnished to all interested parties for their comment and suggestions.

(k) The authority shall establish rules and regulations which shall provide for the submission of all contracts proposed to be executed by the executive director for computer equipment or services to the authority for approval before final execution, and the authority may provide that such contracts involving the expenditure of less than such specified amount as may be established by the authority may be finally executed by the executive director without first obtaining such approval by the authority.

(l) The authority is authorized to purchase, lease, or rent computer equipment or services and to operate said equipment and utilize said services in providing services to one or more state agencies when in its opinion such operation will provide maximum efficiency and economy in the functions of any such agency or agencies.

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(m) Upon the request of the governing body of a political subdivision or instrumentality, the authority shall assist the political subdivision or instrumentality in its development of plans for the efficient acquisition and utilization of computer equipment and services. An appropriate fee shall be charged the political subdivision by the authority for such assistance.

(n) The authority shall adopt rules and regulations governing the protest procedures to be followed by any actual or prospective bidder, offerer or contractor who is aggrieved in connection with the solicitation or award of a contract for the acquisition of computer equipment or services. Such rules and regulations shall prescribe the manner, time and procedure for making protests and may provide that a protest not timely filed shall be summarily denied. The authority may require the protesting party, at the time of filing the protest, to post a bond, payable to the state, in an amount that the authority determines sufficient to cover any expense or loss incurred by the state, the authority or any state agency as a result of the protest if the protest subsequently is determined by a court of competent jurisdiction to have been filed without any substantial basis or reasonable expectation to believe that the protest was meritorious; however, in no event may the amount of the bond required exceed a reasonable estimate of the total project cost. The authority, in its discretion, also may prohibit any prospective bidder, offerer or contractor who is a party to any litigation involving any such contract with the state, the authority or any agency of the state to participate in any other such bid, offer or contract, or to be awarded any such contract, during the pendency of the litigation.

(o) The authority shall make a report in writing to the Legislature each year in the month of January. Such report shall

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contain a full and detailed account of the work of the authority for the preceding year as specified in Section 25-53-29(3).

All acquisitions of computer equipment and services involving the expenditure of funds in excess of the dollar amount established in Section 31-7-13(c), or rentals or leases in excess of the dollar amount established in Section 31-7-13(c) for the term of the contract, shall be based upon competitive and open specifications, and contracts therefor shall be entered into only after advertisements for bids are published in one or more daily newspapers having a general circulation in the state not less than fourteen (14) days prior to receiving sealed bids therefor. The authority may reserve the right to reject any or all bids, and if all bids are rejected, the authority may negotiate a contract within the limitations of the specifications so long as the terms of any such negotiated contract are equal to or better than the comparable terms submitted by the lowest and best bidder, and so long as the total cost to the State of Mississippi does not exceed the lowest bid. If the authority accepts one (1) of such bids, it shall be that which is the lowest and best.

(p) When applicable, the authority may procure equipment, systems and related services in accordance with the law or regulations, or both, which govern the Bureau of Purchasing of the Office of General Services or which govern the Mississippi Department of Information Technology Services procurement of telecommunications equipment, software and services.

(q) The authority is authorized to purchase, lease, or rent information technology and services for the purpose of establishing pilot projects to investigate emerging technologies. These acquisitions shall be limited to new technologies and shall be limited to an amount set by annual appropriation of the Legislature. These acquisitions shall be exempt from the advertising and bidding requirement.

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(r) All fees collected by the Mississippi Department of Information Technology Services shall be deposited into the Mississippi Department of Information Technology Services Revolving Fund unless otherwise specified by the Legislature.

(s) The authority shall work closely with the council to bring about effective coordination of policies, standards and procedures relating to procurement of remote sensing and geographic information systems (GIS) resources. In addition, the authority is responsible for development, operation and maintenance of a delivery system infrastructure for geographic information systems data. The authority shall provide a warehouse for Mississippi's geographic information systems data.

(t) The authority shall manage one or more State Data Centers, to provide information technology services on a cost-sharing basis. In determining the appropriate services to be provided through the State Data Center, the authority should consider those services that:

- (i) Result in savings to the state as a whole;
- (ii) Improve and enhance the security and reliability of the state's information and business systems; and
- (iii) Optimize the efficient use of the state's information technology assets, including, but not limited to, promoting partnerships with the state institutions of higher learning and community colleges to capitalize on advanced information technology resources.

(u) The authority shall increase federal participation in the cost of the State Data Center to the extent provided by law and its shared technology infrastructure through providing such shared services to agencies that receive federal funds. With regard to state institutions of higher learning and community colleges, the authority may provide shared services when mutually agreeable, following a determination by both the authority and the Board of Trustees of State Institutions of Higher Learning or the

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Mississippi Community College Board, as the case may be, that the sharing of services is mutually beneficial.

(v) The authority, in its discretion, may require new or replacement agency business applications to be hosted at the State Data Center. With regard to state institutions of higher learning and community colleges, the authority and the Board of Trustees of State Institutions of Higher Learning or the Mississippi Community College Board, as the case may be, may agree that institutions of higher learning or community colleges may utilize business applications that are hosted at the State Data Center, following a determination by both the authority and the applicable board that the hosting of those applications is mutually beneficial. In addition, the authority may establish partnerships to capitalize on the advanced technology resources of the Board of Trustees of State Institutions of Higher Learning or the Mississippi Community College Board, following a determination by both the authority and the applicable board that such a partnership is mutually beneficial.

(w) The authority shall provide a periodic update regarding reform-based information technology initiatives to the Chairmen of the House and Senate Accountability, Efficiency and Transparency Committees.

SECTION 4. Section 25-53-25, Mississippi Code of 1972, is amended as follows:

25-53-25. (1) Nothing in this chapter shall be construed to * * * imply exemption from the public purchases law, being Section 31-7-1 et seq.

(2) The authority may establish policies and procedures for the purpose of delegating the bidding and contracting responsibilities related to the procurement of computer equipment or services to the purchasing agency. Such policies and procedures must address the following issues:

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(a) Establish categories of equipment or services affected;

(b) Establish maximum unit and/or ceiling prices of such procurements;

(c) Establish reporting, monitoring and control of such procurements; and

(d) Establish other such rules and regulations as necessary to fully implement the purposes of this section. Nothing in this subsection shall be construed to imply exemption from the public purchases law, being Section 31-7-1 et seq.

(3) Acquisitions of computer equipment and services by institutions of higher learning or junior colleges wholly with federal funds and not with state general funds shall be exempt from the provisions of this chapter; however, nothing in this subsection shall be construed to imply an exemption of such acquisitions from the public purchases law, being Section 31-7-1 et seq.

(4) [Repealed]

SECTION 5. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

House Bill 1507

Description: Controlled substance; revise forfeiture law.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 495

History of Actions:

- 1 02/20 (H) Referred To Judiciary B
- 2 03/01 (H) Title Suff Do Pass Comm Sub
- 3 03/08 (H) Committee Substitute Adopted
- 4 03/13 (H) Passed
- 5 03/15 (H) Transmitted To Senate
- 6 03/16 (S) Referred To Judiciary, Division B
- 7 04/03 (S) Title Suff Do Pass
- 8 04/05 (S) Passed
- 9 04/09 (S) Motion to Reconsider Entered
- 10 04/12 (S) Reconsidered
- 11 04/12 (S) Amended
- 12 04/12 (S) Passed As Amended
- 13 04/17 (S) Returned For Concurrence
- 14 04/19 (H) Concurred in Amend From Senate
- 15 04/24 (H) Enrolled Bill Signed
- 16 04/24 (S) Enrolled Bill Signed
- 17 05/01 Approved by Governor

Amendments:

[S] Amendment No 1 *Adopted*

Amendment Report for House Bill No. 1507

Code Section: A 041-0029-0176, A 041-0029-0181, A 041-0029-0185

----- Additional Information -----

House Committee: Judiciary B

Senate Committee: Judiciary, Division B

Principal Author: Baker

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representative Baker

To: Judiciary B

HOUSE BILL NO. 1507
(As Sent to Governor)

AN ACT TO AMEND SECTION 41-29-176, MISSISSIPPI CODE OF 1972, TO REVISE THE FORFEITURE OF PROPERTY OTHER THAN CONTROLLED SUBSTANCES UNDER THE CONTROLLED SUBSTANCES ACT; TO AMEND SECTION 41-29-181, MISSISSIPPI CODE OF 1972, TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 41-29-185, MISSISSIPPI CODE OF 1972, TO MAKE TECHNICAL CORRECTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-29-176, Mississippi Code of 1972, is amended as follows:

41-29-176. (1) When any property other than a controlled substance, raw material or paraphernalia, the value of which does not exceed Twenty Thousand Dollars (\$20,000.00), is seized under the Uniform Controlled Substances Law, the property may be forfeited by the administrative forfeiture procedures provided for in this section.

(2) The attorney for *or any representative of* the seizing law enforcement agency shall provide notice of intention to forfeit the seized property administratively, either by certified mail, return receipt requested, or by personal delivery, to all persons who are required to be notified pursuant to Section 41-29-177(2), Mississippi Code of 1972.

(3) In the event that notice of intention to forfeit the seized property administratively cannot be given as provided in subsection (2) of this section because of refusal, failure to claim, insufficient address or any other reason, the attorney for or representative of the seizing law enforcement agency shall provide notice by publication in a newspaper of general

circulation in the county in which the seizure occurred for once a week for three (3) consecutive weeks.

(4) Notice pursuant to subsections (2) and (3) of this section shall include the following information:

- (a) A description of the property;
- (b) The approximate value of the property;
- (c) The date and place of the seizure;
- (d) The connection between the property and the

violation of the Uniform Controlled Substances Law;

(e) The instructions for filing a request for judicial review; and

(f) A statement that the property will be forfeited to the seizing law enforcement agency if a request for judicial review is not timely filed.

(5) Any person claiming an interest in property which is the subject of a notice under this section may, within thirty (30) days after receipt of the notice or of the date of the first publication of the notice, file a petition to contest forfeiture signed by the claimant in the county court, if a county court exists, or otherwise in the circuit court of the county in which the seizure is made or the county in which the criminal prosecution is brought, in order to claim an interest in the property. Upon the filing of the petition and the payment of the filing fees, service of the petition shall be made on the attorney for or representative of the seizing law enforcement agency, and the proceedings shall thereafter be governed by the rules of civil procedure.

(6) If no petition to contest forfeiture is timely filed, the attorney for the seizing law enforcement agency shall prepare a written declaration of forfeiture of the subject property and the forfeited property shall be used, distributed or disposed of in accordance with the provisions of Section 41-29-181, Mississippi Code of 1972.

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SECTION 2. Section 41-29-181, Mississippi Code of 1972, is amended as follows:

41-29-181. (1) Regarding all controlled substances, raw materials and paraphernalia which have been forfeited, the circuit court shall by its order direct the Bureau of Narcotics to:

- (a) Retain the property for its official purposes;
- (b) Deliver the property to a government agency or department for official purposes;
- (c) Deliver the property to a person authorized by the court to receive it; or
- (d) Destroy the property that is not otherwise disposed, pursuant to the provisions of Section 41-29-154.

(2) All other property, real or personal, which is forfeited under this article, except as otherwise provided in Section 41-29-185, and except as provided in subsections (3), (7) and (8) of this section, shall be liquidated and, after deduction of court costs and the expenses of liquidation, the proceeds shall be divided and deposited as follows:

(a) In the event only one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, twenty percent (20%) of the proceeds shall be forwarded to the State Treasurer and deposited in the General Fund of the state and eighty percent (80%) of the proceeds shall be deposited and credited to the budget of the participating law enforcement agency.

(b) In the event more than one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, eighty percent (80%) of the proceeds shall be deposited and credited to the budget of the law enforcement agency whose officers initiated the criminal case and twenty percent (20%) shall be divided equitably between or among the other participating law enforcement agencies, and shall be deposited and credited to the budgets of the participating law

enforcement agencies. In the event that the other participating law enforcement agencies cannot agree on the division of their twenty percent (20%), a petition shall be filed by any one of them in the court in which the civil forfeiture case is brought and the court shall make an equitable division.

If the criminal case is initiated by an officer of the Bureau of Narcotics and more than one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, the proceeds shall be divided equitably between or among the Bureau of Narcotics and other participating law enforcement agencies and shall be deposited and credited to the budgets of the participating law enforcement agencies. In the event that the Bureau of Narcotics and the other participating law enforcement agencies cannot agree on an equitable division of the proceeds, a petition shall be filed by any one of them in the court in which the civil forfeiture case is brought and the court shall make an equitable division.

(3) All money which is forfeited under this article, except as otherwise provided by Section 41-29-185, shall be divided, deposited and credited in the same manner as set forth in subsection (2) of this section.

(4) All property forfeited, deposited and credited to the Mississippi Bureau of Narcotics under this article shall be forwarded to the State Treasurer and deposited in a special fund for use by the Mississippi Bureau of Narcotics upon appropriation by the Legislature.

(5) All real estate which is forfeited under the provisions of this article shall be sold to the highest and best bidder at a public auction for cash, such auction to be conducted by the chief law enforcement officer of the initiating law enforcement agency, or his designee, at such place, on such notice and in accordance with the same procedure, as far as practicable, as is required in the case of sales of land under execution at law. The proceeds of

such sale shall first be applied to the cost and expense in administering and conducting such sale, then to the satisfaction of all mortgages, deeds of trust, liens and encumbrances of record on such property. The remaining proceeds shall be divided, forwarded and deposited in the same manner set out in subsection (2) of this section.

(6) All other property that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the chief law enforcement officer of the initiating law enforcement agency, or his designee, to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation in the jurisdiction in which said law enforcement agency is located. Such notices shall contain a description of the property to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the property present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be disposed of as follows:

(a) To any bona fide lienholder, secured party or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and

(b) The balance, if any, remaining after deduction of all storage, court costs and expenses of liquidation shall be divided, forwarded and deposited in the same manner set out in subsection (2) of this section.

(7) (a) Any county or municipal law enforcement agency may maintain, repair, use and operate for official purposes all property, other than real property, money or such property that is described in subsection (1) of this section, that has been forfeited to the agency if it is free from any interest of a bona

fide lienholder, secured party or other party who holds an interest in the property in the nature of a security interest. Such county or municipal law enforcement agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the property can be released for its use. If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law, the law enforcement agency shall be deemed to be the purchaser, and the certificate of title shall be issued to it as required by subsection (9) of this section.

(b) (i) If a vehicle is forfeited to or transferred to a sheriff's department, then the sheriff may transfer the vehicle to the county for official or governmental use as the board of supervisors may direct.

(ii) If a vehicle is forfeited to or transferred to a police department, then the police chief may transfer the vehicle to the municipality for official or governmental use as the governing authority of the municipality may direct.

(c) If a motor vehicle forfeited to a county or municipal law enforcement agency becomes obsolete or is no longer needed for official or governmental purposes, it may be disposed of in accordance with Section 19-7-5 or in the manner provided by law for disposing of municipal property.

(8) The Mississippi Bureau of Narcotics may maintain, repair, use and operate for official purposes all property, other than real property, money or such property as is described in subsection (1) of this section, that has been forfeited to the bureau if it is free from any interest of a bona fide lienholder, secured party, or other party who holds an interest in the property in the nature of a security interest. In such case, the bureau may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that such property can be released for use by the bureau.

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The bureau may maintain, repair, use and operate such property with money appropriated to the bureau for current operations. If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law, the bureau is deemed to be the purchaser and the certificate of title shall be issued to it as required by subsection (9) of this section.

(9) The Department of Revenue shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.

SECTION 3. Section 41-29-185, Mississippi Code of 1972, is amended as follows:

41-29-185. One hundred percent (100%) of any seized and forfeited property to be transferred to any state or local law enforcement agency under the provisions of 21 USCS Section 881(e)(1), 19 USCS Section 1616(a)(2), or other federal property sharing provisions, shall be credited to the budget of the state or local agency that directly participated in the seizure or forfeiture, for the specific purpose of increasing law enforcement resources for that specific state or local agency. Such transferred property must be used to augment existing state and local law enforcement budgets and not to supplant them.

SECTION 4. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

House Bill 1537

Description: Mississippi Health Care Industry Zone Act; create and provide certain tax incentives for qualified businesses located in.

Background Information:

Disposition: Law

Deadline: Revenue

Revenue: Yes

Vote type required: Three/Fifths

Effective date: July 1, 2012

Chapter Number: 520

History of Actions:

- 1 03/12 (H) Referred To Ways and Means
- 2 03/27 (H) Title Suff Do Pass
- 3 03/27 (H) Read the Third Time
- 4 03/28 (H) Amended
- 5 03/28 (H) Passed As Amended
- 6 03/30 (H) Transmitted To Senate
- 7 04/02 (S) Referred To Finance
- 8 04/12 (S) Title Suff Do Pass As Amended
- 9 04/17 (S) Amended
- 10 04/17 (S) Passed As Amended
- 11 04/19 (S) Returned For Concurrence
- 12 04/19 (H) Decline to Concur/Invite Conf
- 13 04/24 (H) Conferees Named Smith (39th), Rogers (61st), Mayo
- 14 04/28 (S) Conferees Named Fillingane, Flowers, Kirby
- 15 04/28 (H) Conference Report Filed
- 16 04/28 (S) Conference Report Filed
- 17 04/29 (H) Conference Report Adopted
- 18 04/30 (S) Conference Report Adopted
- 19 05/03 (H) Enrolled Bill Signed
- 20 05/03 (S) Enrolled Bill Signed
- 21 05/14 Approved by Governor

Amendments:

[H] Amendment No 1 *Adopted*

[S] Committee Amendment No 1 *Adopted*

[S] Amendment No 1 to Committee Amendment No 1 *Lost*

[S] Amendment No 2 to Committee Amendment No 1 *Adopted*

Amendment Report for House Bill No. 1537

Conference Reports:

Conference Report

Code Section: A 027-0031-0101, A 027-0031-0104, A 027-0065-0101

----- Additional Information -----

House Committee: Ways and Means

Senate Committee: Finance

Principal Author: Smith (39th)

Additional Authors: Myers, Dixon

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representatives Smith (39th), Myers,
Dixon

To: Ways and Means

HOUSE BILL NO. 1537
(As Sent to Governor)

AN ACT TO BE ENTITLED THE MISSISSIPPI HEALTH CARE INDUSTRY ZONE ACT; TO AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO CERTIFY HEALTH CARE INDUSTRY ZONES IN AREAS THAT ARE LOCATED WITHIN A FIVE-MILE RADIUS OF THREE CONTIGUOUS COUNTIES WHICH HAVE CERTIFICATES OF NEED OF MORE THAN 375 ACUTE CARE HOSPITAL BEDS OR A COUNTY WITH A HOSPITAL WITH A MINIMUM CAPITAL INVESTMENT OF \$250,000,000.00 FOR WHICH CONSTRUCTION IS COMPLETED BEFORE JULY 1, 2017; TO AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO CERTIFY HEALTH CARE INDUSTRY FACILITIES IN THE HEALTH CARE INDUSTRY ZONE AND CERTAIN BUSINESSES AS QUALIFIED BUSINESSES UNDER THE ACT; TO PROVIDE THAT SUCH QUALIFIED BUSINESSES SHALL BE ELIGIBLE FOR AN ACCELERATED STATE INCOME TAX DEPRECIATION DEDUCTION, FOR CERTAIN SALES TAX EXEMPTIONS, FOR AN AD VALOREM TAX EXEMPTION AND FOR A FEE-IN-LIEU OF AD VALOREM TAXES; TO PROVIDE THAT IF THE QUALIFIED BUSINESS HAS NOT CREATED THE REQUISITE NUMBER OF JOBS REQUIRED BY THIS ACT, THE HEALTH CARE INDUSTRY ZONE CERTIFICATION MAY BE REVOKED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY AFTER FIVE YEARS HAVE ELAPSED FROM THE EFFECTIVE DATE OF CERTIFICATION; TO PROVIDE THAT A REVOCATION UNDER THIS SECTION SHALL NOT ACT RETROACTIVELY TO REMOVE ANY INCENTIVES GRANTED BY THIS ACT; TO AMEND SECTION 27-31-101, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTY BOARDS OF SUPERVISORS AND MUNICIPAL AUTHORITIES TO GRANT AN AD VALOREM TAX EXEMPTION TO HEALTH CARE INDUSTRY FACILITIES; TO AMEND SECTION 27-31-104, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTY BOARDS OF SUPERVISORS AND THE GOVERNING AUTHORITIES OF MUNICIPALITIES TO GRANT A FEE-IN-LIEU OF AD VALOREM TAXES TO QUALIFIED BUSINESSES AS DEFINED IN THIS ACT THAT MEET MINIMUM CRITERIA ESTABLISHED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO AMEND SECTION 27-65-101, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM SALES TAXATION SALES OF MATERIALS USED IN THE CONSTRUCTION OF A HEALTH CARE INDUSTRY FACILITY, AS DEFINED IN THIS ACT, OR ANY ADDITION OR IMPROVEMENT THEREON, AND SALES OF ANY MACHINERY AND EQUIPMENT NOT LATER THAN THREE MONTHS AFTER THE COMPLETION OF CONSTRUCTION OF THE FACILITY, OR ANY ADDITION THEREON, TO BE USED IN THE FACILITY, TO QUALIFIED BUSINESSES, AS DEFINED IN THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This chapter shall be known and may be cited as the "Mississippi Health Care Industry Zone Act."

SECTION 2. In this act:

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(a) "Health care industry facility" means a business engaged in the research and development of pharmaceuticals, biologics, biotechnology, diagnostic imaging, medical supplies, medical equipment or medicine and related manufacturing or processing, medical service providers, medical product distribution, or laboratory testing that creates a minimum of twenty-five (25) new full-time jobs and/or Ten Million Dollars (\$10,000,000.00) of capital investment after July 1, 2012.

(b) "MDA" means the Mississippi Development Authority.

(c) "Health care industry zone" means a geographical area certified by the MDA as provided for in Section 3 of this act.

(d) "Local government unit" means any county or incorporated city, town or village in the State of Mississippi.

(e) "Person" means a natural person, partnership, limited liability company, association, corporation, business trust or other business entity.

(f) "Qualified Business" means a business or health care industry facility that meets the requirements of Section 4 of this act and any other requirements of this act.

SECTION 3. (1) The MDA may certify an area as a health care industry zone if the following requirements are met:

(a) The area is located within:

(i) Three (3) contiguous counties which have certificates of need of more than three hundred seventy-five (375) acute care hospital beds; and/or

(ii) A county which has a hospital with a minimum capital investment of Two Hundred Fifty Million Dollars (\$250,000,000.00) and for which construction is completed before July 1, 2017;

(b) The health care industry facility is located within a five-mile radius of a facility with a certificate of need for hospital beds; and

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(c) The zoning of the local government unit allows the construction or operation in the proposed health care industry zone of the health care industry facility.

(2) The MDA may adopt and promulgate such rules and regulations, in compliance with the Mississippi Administrative Procedures Law, as are necessary for the efficient and effective administration of this section in keeping with the purposes for which it is enacted.

SECTION 4. (1) Businesses and health care industry facilities shall apply to the MDA for certification as a qualified business. If the health care industry facility or business is located in a health care industry zone and meets the requirements of this act, the MDA shall certify it as a qualified business.

(2) A health care industry facility or business certified by the MDA as a qualified business within a health care industry zone that constructs or renovates a health care facility within a health care industry zone shall qualify for the following:

(a) An accelerated state income tax depreciation deduction. The accelerated depreciation deduction shall be computed by accelerating depreciation period required by Mississippi Administrative Code, to a ten-year depreciation period.

(b) A sales tax exemption as authorized in Section 27-65-101(pp).

(c) A fee-in-lieu of taxes as authorized in Section 27-31-104.

(d) An ad valorem tax exemption as authorized in Section 27-31-101.

SECTION 5. If the qualified business has not created the requisite number of jobs required by this act, the health care industry zone certification may be revoked by MDA after five (5) years have elapsed from the effective date of certification. A

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revocation under this section shall not act retroactively to remove any incentives granted by this act.

SECTION 6. Sections 1 through 7 of this act shall be repealed from and after July 1, 2022.

SECTION 7. Section 27-31-101, Mississippi Code of 1972, is amended as follows:

[Through June 30, 2022, this section shall read as follows:]

27-31-101. (1) County boards of supervisors and municipal authorities are hereby authorized and empowered, in their discretion, to grant exemptions from ad valorem taxation, except state ad valorem taxation; however, such governing authorities shall not exempt ad valorem taxes for school district purposes on tangible property used in, or necessary to, the operation of the manufacturers and other new enterprises enumerated by classes in this section, except to the extent authorized in Sections 27-31-104 and 27-31-105(2), nor shall they exempt from ad valorem taxes the products of the manufacturers or other new enterprises or automobiles and trucks belonging to the manufacturers or other new enterprises operating on and over the highways of the State of Mississippi. The time of such exemption shall be for a period not to exceed a total of ten (10) years which shall begin on the date of completion of the new enterprise for which the exemption is granted; however, boards of supervisors and municipal authorities, in lieu of granting the exemption for one (1) period of ten (10) years, may grant the exemption in a period of less than ten (10) years. When the initial exemption period granted is less than ten (10) years, the boards of supervisors and municipal authorities may grant a subsequent consecutive period or periods to follow the initial period of exemption, provided that the total of all periods of exemption shall not exceed ten (10) years. The date of completion of the new enterprise, from which the initial period of exemption shall begin, shall be the date on which operations of the new enterprise begin. The initial request for an exemption

must be made in writing by June 1 of the year immediately following the year in which the date of completion of a new enterprise occurs. If the initial request for the exemption is not timely made, the board of supervisors or municipal authorities may grant a subsequent request for the exemption and, in such case, the exemption shall begin on the anniversary date of completion of the enterprise in the year in which the request is made and may be for a period of time extending not more than ten (10) years from the date of completion of the new enterprise. Any subsequent request for the exemption must be made in writing by June 1 of the year in which it is granted.

(2) Any board of supervisors or municipal authority which has granted an exemption for a period of less than ten (10) years may grant subsequent periods of exemption to run consecutively with the initial exemption period, or a subsequently granted exemption period, but in no case shall the total of the exemption periods granted for a new enterprise exceed ten (10) years. Any consecutive period of exemption shall be granted by entry of an order by the board or the authority granting the consecutive exemption on its minutes, reflecting the granting of the consecutive exemption period and the dates upon which such consecutive exemption period begins and expires. The entry of this order granting the consecutive period of exemption shall be made before the expiration of the exemption period immediately preceding the consecutive exemption period being granted.

(3) The new enterprises which may be exempt are enumerated as and limited to the following, as determined by the Department of Revenue:

- (a) Warehouse and/or distribution centers;
- (b) Manufacturing, processors and refineries;
- (c) Research facilities;

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(d) Corporate regional and national headquarters meeting minimum criteria established by the Mississippi Development Authority;

(e) Movie industry studios meeting minimum criteria established by the Mississippi Development Authority;

(f) Air transportation and maintenance facilities meeting minimum criteria established by the Mississippi Development Authority;

(g) Recreational facilities that impact tourism meeting minimum criteria established by the Mississippi Development Authority;

(h) Data/information processing enterprises meeting minimum criteria established by the Mississippi Development Authority;

(i) Technology intensive enterprises or facilities meeting criteria established by the Mississippi Development Authority;

(j) Health care industry facilities as defined in Section 2 of this act; and

(k) Telecommunications enterprises meeting minimum criteria established by the Mississippi Development Authority. The term "telecommunications enterprises" means entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises."

[From and after July 1, 2022, this section shall read as follows:]

27-31-101. (1) County boards of supervisors and municipal authorities are hereby authorized and empowered, in their discretion, to grant exemptions from ad valorem taxation, except state ad valorem taxation; however, such governing authorities shall not exempt ad valorem taxes for school district purposes on tangible property used in, or necessary to, the operation of the manufacturers and other new enterprises enumerated by classes in this section, except to the extent authorized in Sections 27-31-104 and 27-31-105(2), nor shall they exempt from ad valorem taxes the products of the manufacturers or other new enterprises or automobiles and trucks belonging to the manufacturers or other new enterprises operating on and over the highways of the State of Mississippi. The time of such exemption shall be for a period not to exceed a total of ten (10) years which shall begin on the date of completion of the new enterprise for which the exemption is granted; however, boards of supervisors and municipal authorities, in lieu of granting the exemption for one (1) period of ten (10) years, may grant the exemption in a period of less than ten (10) years. When the initial exemption period granted is less than ten (10) years, the boards of supervisors and municipal authorities may grant a subsequent consecutive period or periods to follow the initial period of exemption, provided that the total of all periods of exemption shall not exceed ten (10) years. The date of completion of the new enterprise, from which the initial period of exemption shall begin, shall be the date on which operations of the new enterprise begin. The initial request for an exemption must be made in writing by June 1 of the year immediately following the year in which the date of completion of a new enterprise occurs. If the initial request for the exemption is not timely made, the board of supervisors or municipal authorities may grant a subsequent request for the exemption and, in such

case, the exemption shall begin on the anniversary date of completion of the enterprise in the year in which the request is made and may be for a period of time extending not more than ten (10) years from the date of completion of the new enterprise. Any subsequent request for the exemption must be made in writing by June 1 of the year in which it is granted.

(2) Any board of supervisors or municipal authority which has granted an exemption for a period of less than ten (10) years may grant subsequent periods of exemption to run consecutively with the initial exemption period, or a subsequently granted exemption period, but in no case shall the total of the exemption periods granted for a new enterprise exceed ten (10) years. Any consecutive period of exemption shall be granted by entry of an order by the board or the authority granting the consecutive exemption on its minutes, reflecting the granting of the consecutive exemption period and the dates upon which such consecutive exemption period begins and expires. The entry of this order granting the consecutive period of exemption shall be made before the expiration of the exemption period immediately preceding the consecutive exemption period being granted.

(3) The new enterprises which may be exempt are enumerated as and limited to the following, as determined by the Department of Revenue:

- (a) Warehouse and/or distribution centers;
- (b) Manufacturing, processors and refineries;
- (c) Research facilities;
- (d) Corporate regional and national headquarters

meeting minimum criteria established by the Mississippi Development Authority;

(e) Movie industry studios meeting minimum criteria established by the Mississippi Development Authority;

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(f) Air transportation and maintenance facilities meeting minimum criteria established by the Mississippi Development Authority;

(g) Recreational facilities that impact tourism meeting minimum criteria established by the Mississippi Development Authority;

(h) Data/information processing enterprises meeting minimum criteria established by the Mississippi Development Authority;

(i) Technology intensive enterprises or facilities meeting criteria established by the Mississippi Development Authority; and

(j) Telecommunications enterprises meeting minimum criteria established by the Mississippi Development Authority. The term "telecommunications enterprises" means entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises."

SECTION 8. Section 27-31-104, Mississippi Code of 1972, is amended as follows:

[Through June 30, 2022, this section shall read as follows:]

27-31-104. (1) County boards of supervisors and municipal authorities are hereby authorized and empowered to grant a fee-in-lieu of taxes, including taxes levied for school purposes, for projects totaling over One Hundred Million Dollars (\$100,000,000.00). In addition to those new enterprises

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enumerated in Section 27-31-101, Mississippi Code of 1972, the term "projects," as used in this section, shall include:

(a) A private company (as such term is defined in Section 57-61-5, Mississippi Code of 1972) having a minimum capital investment of One Hundred Million Dollars (\$100,000,000.00).

(b) A qualified business (as such term is defined in Section 2 of this act) meeting minimum criteria established by the Mississippi Development Authority.

(2) The fee-in-lieu shall be negotiated by and given final approval by the Mississippi Development Authority.

(3) The minimum sum allowable as a fee-in-lieu shall not be less than one-third ($1/3$) of the ad valorem levy, including ad valorem taxes for school district purposes, and except as otherwise provided, the sum allowed shall be apportioned between the county or municipality, as appropriate, and the school districts in such amounts as may be determined by the county board of supervisors or municipal governing authority, as the case may be, however, from the sum allowed the apportionment to school districts shall not be less than the school districts' pro rata share based upon the proportion that the millage imposed for the school districts by the appropriate levying authority bears to the millage imposed by such levying authority for all other county or municipal purposes. The agreement shall be for a term of not more than ten (10) years.

(4) The fee-in-lieu may be a stated fraction or percentage of the ad valorem taxes otherwise payable or a stated dollar amount. If the fee is a fraction or percentage of the ad valorem tax levy, it shall be annually computed on all ad valorem taxes otherwise payable, including school taxes, as the same may vary from year to year based upon changes in the millage rate or assessed value and shall not be less than one-third ($1/3$) of that amount. If the fee is a stated dollar amount, said amount shall

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be the higher of the sum provided for fixed payment or one-third (1/3) of the total of all ad valorem taxes otherwise payable as annually determined during each year of the fee-in-lieu.

(5) For a project as defined in Section 57-75-5(f)(xxi) and located in a county that is a member of a regional economic development alliance created under Section 57-64-1 et seq., the members of the regional economic development alliance may divide the sum allowed as a fee-in-lieu in a manner as determined by the alliance agreement, and the boards of supervisors of the member counties may then apportion the sum allowed between school district purposes and all other county purposes.

(6) For a project as defined in Section 57-75-5(f)(xxvi), the board of supervisors of the county in which the project is located may negotiate with the school district in which the project is located and apportion to the school district an amount of the fee-in-lieu that is agreed upon in the negotiations different than the amount provided for in subsection (3) of this section.

[From and after July 1, 2022, this section shall read as follows:]

27-31-104. (1) County boards of supervisors and municipal authorities are hereby authorized and empowered to grant a fee-in-lieu of taxes, including taxes levied for school purposes, for projects totaling over One Hundred Million Dollars (\$100,000,000.00). In addition to those new enterprises enumerated in Section 27-31-101, Mississippi Code of 1972, the term "projects," as used in this section, shall include a private company (as such term is defined in Section 57-61-5, Mississippi Code of 1972) having a minimum capital investment of One Hundred Million Dollars (\$100,000,000.00).

(2) The fee-in-lieu shall be negotiated by and given final approval by the Mississippi Development Authority.

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(3) The minimum sum allowable as a fee-in-lieu shall not be less than one-third ($1/3$) of the ad valorem levy, including ad valorem taxes for school district purposes, and except as otherwise provided, the sum allowed shall be apportioned between the county or municipality, as appropriate, and the school districts in such amounts as may be determined by the county board of supervisors or municipal governing authority, as the case may be, however, from the sum allowed the apportionment to school districts shall not be less than the school districts' pro rata share based upon the proportion that the millage imposed for the school districts by the appropriate levying authority bears to the millage imposed by such levying authority for all other county or municipal purposes. The agreement shall be for a term of not more than ten (10) years.

(4) The fee-in-lieu may be a stated fraction or percentage of the ad valorem taxes otherwise payable or a stated dollar amount. If the fee is a fraction or percentage of the ad valorem tax levy, it shall be annually computed on all ad valorem taxes otherwise payable, including school taxes, as the same may vary from year to year based upon changes in the millage rate or assessed value and shall not be less than one-third ($1/3$) of that amount. If the fee is a stated dollar amount, said amount shall be the higher of the sum provided for fixed payment or one-third ($1/3$) of the total of all ad valorem taxes otherwise payable as annually determined during each year of the fee-in-lieu.

(5) For a project as defined in Section 57-75-5(f)(xxi) and located in a county that is a member of a regional economic development alliance created under Section 57-64-1 et seq., the members of the regional economic development alliance may divide the sum allowed as a fee-in-lieu in a manner as determined by the alliance agreement, and the boards of supervisors of the member counties may then apportion the sum allowed between school district purposes and all other county purposes.

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(6) For a project as defined in Section 57-75-5(f) (xxvi), the board of supervisors of the county in which the project is located may negotiate with the school district in which the project is located and apportion to the school district an amount of the fee-in-lieu that is agreed upon in the negotiations different than the amount provided for in subsection (3) of this section.

SECTION 9. Section 27-65-101, Mississippi Code of 1972, is amended as follows:

[Through June 30, 2022, this section shall read as follows:]

27-65-101. (1) The exemptions from the provisions of this chapter which are of an industrial nature or which are more properly classified as industrial exemptions than any other exemption classification of this chapter shall be confined to those persons or property exempted by this section or by the provisions of the Constitution of the United States or the State of Mississippi. No industrial exemption as now provided by any other section except Section 57-3-33 shall be valid as against the tax herein levied. Any subsequent industrial exemption from the tax levied hereunder shall be provided by amendment to this section. No exemption provided in this section shall apply to taxes levied by Section 27-65-15 or 27-65-21.

The tax levied by this chapter shall not apply to the following:

(a) Sales of boxes, crates, cartons, cans, bottles and other packaging materials to manufacturers and wholesalers for use as containers or shipping materials to accompany goods sold by said manufacturers or wholesalers where possession thereof will pass to the customer at the time of sale of the goods contained therein and sales to anyone of containers or shipping materials for use in ships engaged in international commerce.

(b) Sales of raw materials, catalysts, processing chemicals, welding gases or other industrial processing gases

(except natural gas) to a manufacturer for use directly in manufacturing or processing a product for sale or rental or repairing or reconditioning vessels or barges of fifty (50) tons load displacement and over. For the purposes of this exemption, electricity used directly in the electrolysis process in the production of sodium chlorate shall be considered a raw material. This exemption shall not apply to any property used as fuel except to the extent that such fuel comprises by-products which have no market value.

(c) The gross proceeds of sales of dry docks, offshore drilling equipment for use in oil exploitation or production, vessels or barges of fifty (50) tons load displacement and over, when sold by the manufacturer or builder thereof.

(d) Sales to commercial fishermen of commercial fishing boats of over five (5) tons load displacement and not more than fifty (50) tons load displacement as registered with the United States Coast Guard and licensed by the Mississippi Commission on Marine Resources.

(e) The gross income from repairs to vessels and barges engaged in foreign trade or interstate transportation.

(f) Sales of petroleum products to vessels or barges for consumption in marine international commerce or interstate transportation businesses.

(g) Sales and rentals of rail rolling stock (and component parts thereof) for ultimate use in interstate commerce and gross income from services with respect to manufacturing, repairing, cleaning, altering, reconditioning or improving such rail rolling stock (and component parts thereof).

(h) Sales of raw materials, catalysts, processing chemicals, welding gases or other industrial processing gases (except natural gas) used or consumed directly in manufacturing, repairing, cleaning, altering, reconditioning or improving such

rail rolling stock (and component parts thereof). This exemption shall not apply to any property used as fuel.

(i) Sales of machinery or tools or repair parts therefor or replacements thereof, fuel or supplies used directly in manufacturing, converting or repairing ships, vessels or barges of three thousand (3,000) tons load displacement and over, but not to include office and plant supplies or other equipment not directly used on the ship, vessel or barge being built, converted or repaired. For purposes of this exemption, "ships, vessels or barges" shall not include floating structures described in Section 27-65-18.

(j) Sales of tangible personal property to persons operating ships in international commerce for use or consumption on board such ships. This exemption shall be limited to cases in which procedures satisfactory to the commissioner, ensuring against use in this state other than on such ships, are established.

(k) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 57-51-5, which are located in a county or portion thereof designated as an enterprise zone pursuant to Sections 57-51-1 through 57-51-15.

(l) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 57-54-5.

(m) Income from storage and handling of perishable goods by a public storage warehouse.

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(n) The value of natural gas lawfully injected into the earth for cycling, repressuring or lifting of oil, or lawfully vented or flared in connection with the production of oil; however, if any gas so injected into the earth is sold for such purposes, then the gas so sold shall not be exempt.

(o) The gross collections from self-service commercial laundering, drying, cleaning and pressing equipment.

(p) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified companies, certified as such by the Mississippi Development Authority under Section 57-53-1.

(q) Sales of component materials used in the construction of a building, or any addition or improvement thereon, sales of machinery and equipment to be used therein, and sales of manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, not later than three (3) months after the initial start-up date, to permanent business enterprises engaging in manufacturing or processing in Tier Three areas (as such term is defined in Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this paragraph (q).

(r) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of the building, addition or improvement thereon, to be used therein, for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi and creating a

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minimum of thirty-five (35) jobs at the new headquarters in this state. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for the purpose of receiving the exemption provided in this paragraph.

(s) The gross proceeds from the sale of semitrailers, trailers, boats, travel trailers, motorcycles and all-terrain cycles if exported from this state within forty-eight (48) hours and registered and first used in another state.

(t) Gross income from the storage and handling of natural gas in underground salt domes and in other underground reservoirs, caverns, structures and formations suitable for such storage.

(u) Sales of machinery and equipment to nonprofit organizations if the organization:

(i) Is tax exempt pursuant to Section 501(c)(4) of the Internal Revenue Code of 1986, as amended;

(ii) Assists in the implementation of the contingency plan or area contingency plan, and which is created in response to the requirements of Title IV, Subtitle B of the Oil Pollution Act of 1990, Public Law 101-380; and

(iii) Engages primarily in programs to contain, clean up and otherwise mitigate spills of oil or other substances occurring in the United States coastal and tidal waters.

For purposes of this exemption, "machinery and equipment" means any ocean-going vessels, barges, booms, skimmers and other capital equipment used primarily in the operations of nonprofit organizations referred to herein.

(v) Sales or leases of materials and equipment to approved business enterprises as provided under the Growth and Prosperity Act.

(w) From and after July 1, 2001, sales of pollution control equipment to manufacturers or custom processors for

industrial use. For the purposes of this exemption, "pollution control equipment" means equipment, devices, machinery or systems used or acquired to prevent, control, monitor or reduce air, water or groundwater pollution, or solid or hazardous waste as required by federal or state law or regulation.

(x) Sales or leases to a manufacturer of motor vehicles or powertrain components operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii) of machinery and equipment; special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal and natural gas used directly in the manufacture of motor vehicles or motor vehicle parts or used to provide climate control for manufacturing areas.

(y) Sales or leases of component materials, machinery and equipment used in the construction of a building, or any addition or improvement thereon to an enterprise operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii) and any other sales or leases required to establish or operate such project.

(z) Sales of component materials and equipment to a business enterprise as provided under Section 57-64-33.

(aa) The gross income from the stripping and painting of commercial aircraft engaged in foreign or interstate transportation business.

(bb) [Repealed]

(cc) Sales or leases to an enterprise owning or operating a project that has been designated by the Mississippi Major Economic Impact Authority as a project as defined in Section

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57-75-5(f)(xviii) of machinery and equipment; special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes; or repair parts, therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal and natural gas used directly in the manufacturing/production operations of the project or used to provide climate control for manufacturing/production areas.

(dd) Sales or leases of component materials, machinery and equipment used in the construction of a building, or any addition or improvement thereon to an enterprise owning or operating a project that has been designated by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xviii) and any other sales or leases required to establish or operate such project.

(ee) Sales of parts used in the repair and servicing of aircraft not registered in Mississippi engaged exclusively in the business of foreign or interstate transportation to businesses engaged in aircraft repair and maintenance.

(ff) Sales of component materials used in the construction of a facility, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to a permanent business enterprise operating a data/information enterprise in Tier Three areas (as such areas are designated in accordance with Section 57-73-21), meeting minimum criteria established by the Mississippi Development Authority.

(gg) Sales of component materials used in the construction of a facility, or any addition or improvement thereto, and sales of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the facility

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or any addition or improvement thereto, to technology intensive enterprises for industrial purposes in Tier Three areas (as such areas are designated in accordance with Section 57-73-21), as certified by the Department of Revenue. For purposes of this paragraph, an enterprise must meet the criteria provided for in Section 27-65-17(1)(f) in order to be considered a technology intensive enterprise.

(hh) Sales of component materials used in the replacement, reconstruction or repair of a building or facility that has been destroyed or sustained extensive damage as a result of a disaster declared by the Governor, sales of machinery and equipment to be used therein to replace machinery or equipment damaged or destroyed as a result of such disaster, including, but not limited to, manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, to enterprises or companies that were eligible for the exemptions authorized in paragraph (q), (r), (ff) or (gg) of this subsection during initial construction of the building that was destroyed or damaged, which enterprises or companies are certified by the Department of Revenue as being eligible for the exemption granted in this paragraph.

(ii) Sales of software or software services transmitted by the Internet to a destination outside the State of Mississippi where the first use of such software or software services by the purchaser occurs outside the State of Mississippi.

(jj) Gross income of public storage warehouses derived from the temporary storage of raw materials that are to be used in an eligible facility as defined in Section 27-7-22.35.

(kk) Sales of component building materials and equipment for initial construction of facilities or expansion of facilities as authorized under Sections 57-113-1 through 57-113-7 and Sections 57-113-21 through 57-113-27.

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(ll) Sales and leases of machinery and equipment acquired in the initial construction to establish facilities as authorized in Sections 57-113-1 through 57-113-7.

(mm) Sales and leases of replacement hardware, software or other necessary technology to operate a data center as authorized under Sections 57-113-21 through 57-113-27.

(nn) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of the construction of the facility, to be used in the facility, to permanent business enterprises operating a facility producing renewable crude oil from biomass harvested or produced, in whole or in part, in Mississippi, which businesses meet minimum criteria established by the Mississippi Development Authority. As used in this paragraph, the term "biomass" shall have the meaning ascribed to such term in Section 57-113-1.

(oo) Sales of supplies, equipment and other personal property to an organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and is the host organization coordinating a professional golf tournament played or to be played in this state and the supplies, equipment or other personal property will be used for purposes related to the golf tournament and related activities.

(pp) Sales of materials used in the construction of a health care industry facility, as defined in Section 2 of this act, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 2 of this act.

(2) Sales of component materials used in the construction of a building, or any addition or improvement thereon, sales of

machinery and equipment to be used therein, and sales of manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, not later than three (3) months after the initial start-up date, to permanent business enterprises engaging in manufacturing or processing in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

(3) Sales of component materials used in the construction of a facility, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to a permanent business enterprise operating a data/information enterprise in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses meet minimum criteria established by the Mississippi Development Authority, shall be exempt from one-half (1/2) of the taxes imposed on such transaction under this chapter.

(4) Sales of component materials used in the construction of a facility, or any addition or improvement thereto, and sales of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to technology intensive enterprises for industrial purposes in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses are certified by the Department of Revenue as being

eligible for the exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter. For purposes of this subsection, an enterprise must meet the criteria provided for in Section 27-65-17(1)(f) in order to be considered a technology intensive enterprise.

(5) (a) For purposes of this subsection:

(i) "Telecommunications enterprises" shall have the meaning ascribed to such term in Section 57-73-21;

(ii) "Tier One areas" mean counties designated as Tier One areas pursuant to Section 57-73-21;

(iii) "Tier Two areas" mean counties designated as Tier Two areas pursuant to Section 57-73-21;

(iv) "Tier Three areas" mean counties designated as Tier Three areas pursuant to Section 57-73-21; and

(v) "Equipment used in the deployment of broadband technologies" means any equipment capable of being used for or in connection with the transmission of information at a rate, prior to taking into account the effects of any signal degradation, that is not less than three hundred eighty-four (384) kilobits per second in at least one (1) direction, including, but not limited to, asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optics and related equipment.

(b) Sales of equipment to telecommunications enterprises after June 30, 2003, and before July 1, 2013, that is installed in Tier One areas and used in the deployment of broadband technologies shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

(c) Sales of equipment to telecommunications enterprises after June 30, 2003, and before July 1, 2013, that is installed in Tier Two and Tier Three areas and used in the

deployment of broadband technologies shall be exempt from the taxes imposed on such transactions under this chapter.

(6) Sales of component materials used in the replacement, reconstruction or repair of a building that has been destroyed or sustained extensive damage as a result of a disaster declared by the Governor, sales of machinery and equipment to be used therein to replace machinery or equipment damaged or destroyed as a result of such disaster, including, but not limited to, manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, to enterprises that were eligible for the partial exemptions provided for in subsections (2), (3) and (4) of this section during initial construction of the building that was destroyed or damaged, which enterprises are certified by the Department of Revenue as being eligible for the partial exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

[From and after July 1, 2022, this section shall read as follows:]

27-65-101. (1) The exemptions from the provisions of this chapter which are of an industrial nature or which are more properly classified as industrial exemptions than any other exemption classification of this chapter shall be confined to those persons or property exempted by this section or by the provisions of the Constitution of the United States or the State of Mississippi. No industrial exemption as now provided by any other section except Section 57-3-33 shall be valid as against the tax herein levied. Any subsequent industrial exemption from the tax levied hereunder shall be provided by amendment to this section. No exemption provided in this section shall apply to taxes levied by Section 27-65-15 or 27-65-21.

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The tax levied by this chapter shall not apply to the following:

(a) Sales of boxes, crates, cartons, cans, bottles and other packaging materials to manufacturers and wholesalers for use as containers or shipping materials to accompany goods sold by said manufacturers or wholesalers where possession thereof will pass to the customer at the time of sale of the goods contained therein and sales to anyone of containers or shipping materials for use in ships engaged in international commerce.

(b) Sales of raw materials, catalysts, processing chemicals, welding gases or other industrial processing gases (except natural gas) to a manufacturer for use directly in manufacturing or processing a product for sale or rental or repairing or reconditioning vessels or barges of fifty (50) tons load displacement and over. For the purposes of this exemption, electricity used directly in the electrolysis process in the production of sodium chlorate shall be considered a raw material. This exemption shall not apply to any property used as fuel except to the extent that such fuel comprises by-products which have no market value.

(c) The gross proceeds of sales of dry docks, offshore drilling equipment for use in oil exploitation or production, vessels or barges of fifty (50) tons load displacement and over, when sold by the manufacturer or builder thereof.

(d) Sales to commercial fishermen of commercial fishing boats of over five (5) tons load displacement and not more than fifty (50) tons load displacement as registered with the United States Coast Guard and licensed by the Mississippi Commission on Marine Resources.

(e) The gross income from repairs to vessels and barges engaged in foreign trade or interstate transportation.

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(f) Sales of petroleum products to vessels or barges for consumption in marine international commerce or interstate transportation businesses.

(g) Sales and rentals of rail rolling stock (and component parts thereof) for ultimate use in interstate commerce and gross income from services with respect to manufacturing, repairing, cleaning, altering, reconditioning or improving such rail rolling stock (and component parts thereof).

(h) Sales of raw materials, catalysts, processing chemicals, welding gases or other industrial processing gases (except natural gas) used or consumed directly in manufacturing, repairing, cleaning, altering, reconditioning or improving such rail rolling stock (and component parts thereof). This exemption shall not apply to any property used as fuel.

(i) Sales of machinery or tools or repair parts therefor or replacements thereof, fuel or supplies used directly in manufacturing, converting or repairing ships, vessels or barges of three thousand (3,000) tons load displacement and over, but not to include office and plant supplies or other equipment not directly used on the ship, vessel or barge being built, converted or repaired. For purposes of this exemption, "ships, vessels or barges" shall not include floating structures described in Section 27-65-18.

(j) Sales of tangible personal property to persons operating ships in international commerce for use or consumption on board such ships. This exemption shall be limited to cases in which procedures satisfactory to the commissioner, ensuring against use in this state other than on such ships, are established.

(k) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition

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thereon, to be used therein, to qualified businesses, as defined in Section 57-51-5, which are located in a county or portion thereof designated as an enterprise zone pursuant to Sections 57-51-1 through 57-51-15.

(l) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 57-54-5.

(m) Income from storage and handling of perishable goods by a public storage warehouse.

(n) The value of natural gas lawfully injected into the earth for cycling, repressuring or lifting of oil, or lawfully vented or flared in connection with the production of oil; however, if any gas so injected into the earth is sold for such purposes, then the gas so sold shall not be exempt.

(o) The gross collections from self-service commercial laundering, drying, cleaning and pressing equipment.

(p) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified companies, certified as such by the Mississippi Development Authority under Section 57-53-1.

(q) Sales of component materials used in the construction of a building, or any addition or improvement thereon, sales of machinery and equipment to be used therein, and sales of manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, not later than three (3) months after the

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initial start-up date, to permanent business enterprises engaging in manufacturing or processing in Tier Three areas (as such term is defined in Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this paragraph (q).

(r) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of the building, addition or improvement thereon, to be used therein, for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi and creating a minimum of thirty-five (35) jobs at the new headquarters in this state. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for the purpose of receiving the exemption provided in this paragraph.

(s) The gross proceeds from the sale of semitrailers, trailers, boats, travel trailers, motorcycles and all-terrain cycles if exported from this state within forty-eight (48) hours and registered and first used in another state.

(t) Gross income from the storage and handling of natural gas in underground salt domes and in other underground reservoirs, caverns, structures and formations suitable for such storage.

(u) Sales of machinery and equipment to nonprofit organizations if the organization:

(i) Is tax exempt pursuant to Section 501(c)(4) of the Internal Revenue Code of 1986, as amended;

(ii) Assists in the implementation of the contingency plan or area contingency plan, and which is created in response to the requirements of Title IV, Subtitle B of the Oil Pollution Act of 1990, Public Law 101-380; and

(iii) Engages primarily in programs to contain, clean up and otherwise mitigate spills of oil or other substances occurring in the United States coastal and tidal waters.

For purposes of this exemption, "machinery and equipment" means any ocean-going vessels, barges, booms, skimmers and other capital equipment used primarily in the operations of nonprofit organizations referred to herein.

(v) Sales or leases of materials and equipment to approved business enterprises as provided under the Growth and Prosperity Act.

(w) From and after July 1, 2001, sales of pollution control equipment to manufacturers or custom processors for industrial use. For the purposes of this exemption, "pollution control equipment" means equipment, devices, machinery or systems used or acquired to prevent, control, monitor or reduce air, water or groundwater pollution, or solid or hazardous waste as required by federal or state law or regulation.

(x) Sales or leases to a manufacturer of motor vehicles or powertrain components operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f) (iv)1, Section 57-75-5(f) (xxi) or Section 57-75-5(f) (xxii) of machinery and equipment; special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal and natural gas used directly in the manufacture of motor vehicles or motor vehicle parts or used to provide climate control for manufacturing areas.

(y) Sales or leases of component materials, machinery and equipment used in the construction of a building, or any addition or improvement thereon to an enterprise operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section

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57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii) and any other sales or leases required to establish or operate such project.

(z) Sales of component materials and equipment to a business enterprise as provided under Section 57-64-33.

(aa) The gross income from the stripping and painting of commercial aircraft engaged in foreign or interstate transportation business.

(bb) [Repealed]

(cc) Sales or leases to an enterprise owning or operating a project that has been designated by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xviii) of machinery and equipment; special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal and natural gas used directly in the manufacturing/production operations of the project or used to provide climate control for manufacturing/production areas.

(dd) Sales or leases of component materials, machinery and equipment used in the construction of a building, or any addition or improvement thereon to an enterprise owning or operating a project that has been designated by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xviii) and any other sales or leases required to establish or operate such project.

(ee) Sales of parts used in the repair and servicing of aircraft not registered in Mississippi engaged exclusively in the business of foreign or interstate transportation to businesses engaged in aircraft repair and maintenance.

(ff) Sales of component materials used in the construction of a facility, or any addition or improvement thereon, and sales or leases of machinery and equipment not later

than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to a permanent business enterprise operating a data/information enterprise in Tier Three areas (as such areas are designated in accordance with Section 57-73-21), meeting minimum criteria established by the Mississippi Development Authority.

(gg) Sales of component materials used in the construction of a facility, or any addition or improvement thereto, and sales of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the facility or any addition or improvement thereto, to technology intensive enterprises for industrial purposes in Tier Three areas (as such areas are designated in accordance with Section 57-73-21), as certified by the Department of Revenue. For purposes of this paragraph, an enterprise must meet the criteria provided for in Section 27-65-17(1)(f) in order to be considered a technology intensive enterprise.

(hh) Sales of component materials used in the replacement, reconstruction or repair of a building or facility that has been destroyed or sustained extensive damage as a result of a disaster declared by the Governor, sales of machinery and equipment to be used therein to replace machinery or equipment damaged or destroyed as a result of such disaster, including, but not limited to, manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, to enterprises or companies that were eligible for the exemptions authorized in paragraph (q), (r), (ff) or (gg) of this subsection during initial construction of the building that was destroyed or damaged, which enterprises

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or companies are certified by the Department of Revenue as being eligible for the exemption granted in this paragraph.

(ii) Sales of software or software services transmitted by the Internet to a destination outside the State of Mississippi where the first use of such software or software services by the purchaser occurs outside the State of Mississippi.

(jj) Gross income of public storage warehouses derived from the temporary storage of raw materials that are to be used in an eligible facility as defined in Section 27-7-22.35.

(kk) Sales of component building materials and equipment for initial construction of facilities or expansion of facilities as authorized under Sections 57-113-1 through 57-113-7 and Sections 57-113-21 through 57-113-27.

(ll) Sales and leases of machinery and equipment acquired in the initial construction to establish facilities as authorized in Sections 57-113-1 through 57-113-7.

(mm) Sales and leases of replacement hardware, software or other necessary technology to operate a data center as authorized under Sections 57-113-21 through 57-113-27.

(nn) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of the construction of the facility, to be used in the facility, to permanent business enterprises operating a facility producing renewable crude oil from biomass harvested or produced, in whole or in part, in Mississippi, which businesses meet minimum criteria established by the Mississippi Development Authority. As used in this paragraph, the term "biomass" shall have the meaning ascribed to such term in Section 57-113-1.

(oo) Sales of supplies, equipment and other personal property to an organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and is the host

organization coordinating a professional golf tournament played or to be played in this state and the supplies, equipment or other personal property will be used for purposes related to the golf tournament and related activities.

(2) Sales of component materials used in the construction of a building, or any addition or improvement thereon, sales of machinery and equipment to be used therein, and sales of manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, not later than three (3) months after the initial start-up date, to permanent business enterprises engaging in manufacturing or processing in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

(3) Sales of component materials used in the construction of a facility, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to a permanent business enterprise operating a data/information enterprise in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses meet minimum criteria established by the Mississippi Development Authority, shall be exempt from one-half (1/2) of the taxes imposed on such transaction under this chapter.

(4) Sales of component materials used in the construction of a facility, or any addition or improvement thereto, and sales of machinery and equipment not later than three (3) months after the

completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to technology intensive enterprises for industrial purposes in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter. For purposes of this subsection, an enterprise must meet the criteria provided for in Section 27-65-17(1)(f) in order to be considered a technology intensive enterprise.

(5) (a) For purposes of this subsection:

(i) "Telecommunications enterprises" shall have the meaning ascribed to such term in Section 57-73-21;

(ii) "Tier One areas" mean counties designated as Tier One areas pursuant to Section 57-73-21;

(iii) "Tier Two areas" mean counties designated as Tier Two areas pursuant to Section 57-73-21;

(iv) "Tier Three areas" mean counties designated as Tier Three areas pursuant to Section 57-73-21; and

(v) "Equipment used in the deployment of broadband technologies" means any equipment capable of being used for or in connection with the transmission of information at a rate, prior to taking into account the effects of any signal degradation, that is not less than three hundred eighty-four (384) kilobits per second in at least one (1) direction, including, but not limited to, asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optics and related equipment.

(b) Sales of equipment to telecommunications enterprises after June 30, 2003, and before July 1, 2013, that is installed in Tier One areas and used in the deployment of

broadband technologies shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

(c) Sales of equipment to telecommunications enterprises after June 30, 2003, and before July 1, 2013, that is installed in Tier Two and Tier Three areas and used in the deployment of broadband technologies shall be exempt from the taxes imposed on such transactions under this chapter.

(6) Sales of component materials used in the replacement, reconstruction or repair of a building that has been destroyed or sustained extensive damage as a result of a disaster declared by the Governor, sales of machinery and equipment to be used therein to replace machinery or equipment damaged or destroyed as a result of such disaster, including, but not limited to, manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, to enterprises that were eligible for the partial exemptions provided for in subsections (2), (3) and (4) of this section during initial construction of the building that was destroyed or damaged, which enterprises are certified by the Department of Revenue as being eligible for the partial exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

SECTION 10. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

House Bill 1676

Description: City of Oxford; authorize to utilize the "dual phase design-build" method of contracting for tennis complex.

Background Information:

Disposition: Law

Deadline: None

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 941

History of Actions:

- 1 04/16 (H) Referred To Local and Private Legislation
- 2 04/25 (H) Title Suff Do Pass
- 3 04/27 (H) Passed
- 4 04/27 (H) Immediate Release
- 5 04/27 (H) Transmitted To Senate
- 6 04/27 (S) Referred To Local and Private
- 7 04/28 (S) Title Suff Do Pass
- 8 04/29 (S) Passed
- 9 04/29 (S) Immediate Release
- 10 04/29 (S) Transmitted To House
- 11 04/30 (H) Enrolled Bill Signed
- 12 04/30 (S) Enrolled Bill Signed
- 13 05/09 Approved by Governor

----- Additional Information -----

House Committee: Local and Private Legislation

Senate Committee: Local and Private

Principal Author: Mayo

2012 GENERAL LAWS OF MISSISSIPPI, HB 1676

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representative Mayo

To: Local and Private
Legislation

HOUSE BILL NO. 1676

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF OXFORD, MISSISSIPPI, TO UTILIZE THE "DUAL PHASE DESIGN-BUILD METHOD" OF CONTRACTING FOR THE BUILDING AND/OR EXPANSION OF A TENNIS COMPLEX; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The governing authorities of the City of Oxford, Mississippi, may, in their discretion, utilize the dual phase design-build method of contracting for the building and/or expansion of a tennis complex. As used in this section, the term "dual phase design-build" method of contracting means a contract that combines the design and construction phases of a project into a single contract and the contractor is required to satisfactorily perform, at a minimum, both the design and construction of the project.

(2) In utilizing the dual phase design-build method of contracting, as authorized in subsection (1) of this section, the governing authorities of the City of Oxford shall establish detailed criteria for the selection of a successful design-build contractor in the request for the design-build proposal for the tennis complex as prescribed under Section 31-7-13.1, Mississippi Code of 1972, as well as all other requirements prescribed under that section.

SECTION 2. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2012 Regular Session**

House Bill 1683

Description: City of Oxford; make certain revisions to the City of Oxford Municipal Reserve and Trust Fund.

Background Information:

Disposition: Law
Deadline: None
Revenue: No
Vote type required: Majority
Effective date: Passage
Chapter Number: 942

History of Actions:

- 1 04/20 (H) Referred To Local and Private Legislation
- 2 04/25 (H) Title Suff Do Pass
- 3 04/27 (H) Passed
- 4 04/27 (H) Immediate Release
- 5 04/27 (H) Transmitted To Senate
- 6 04/27 (S) Referred To Local and Private
- 7 04/28 (S) Title Suff Do Pass
- 8 04/29 (S) Passed
- 9 04/29 (S) Immediate Release
- 10 04/29 (S) Transmitted To House
- 11 04/30 (H) Enrolled Bill Signed
- 12 04/30 (S) Enrolled Bill Signed
- 13 05/09 Approved by Governor

----- Additional Information -----

House Committee: Local and Private Legislation

Senate Committee: Local and Private

Principal Author: Mayo

2012 GENERAL LAWS OF MISSISSIPPI, HB 1683

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Representative Mayo

To: Local and Private
Legislation

HOUSE BILL NO. 1683

AN ACT TO AMEND CHAPTER 938, LOCAL AND PRIVATE LAWS OF 2011, TO PROVIDE THAT NONGOVERNMENTAL TRUSTEE MEMBERS OF THE CITY OF OXFORD MUNICIPAL RESERVE AND TRUST FUND SHALL NO LONGER RECEIVE PER DIEM; TO PROVIDE THAT THE TRUSTEES OF THE FUND SHALL MANAGE INCOME OF THE FUND RATHER THAN INTEREST INCOME; TO DEFINE THE EARNINGS COMPONENT AS 3% EVERY FISCAL YEAR RATHER THAN JUST THE FIRST 3 FISCAL YEARS; TO PROVIDE THAT SUCH EARNINGS COMPONENT SHALL BE EQUAL TO 3% OF THE AMOUNT OF THE FULL FUND BALANCE WHETHER OR NOT THE CORPUS COMPONENT HAS GENERATED ANY INCOME THAT FISCAL YEAR; TO PROVIDE THAT ALL REMAINING PORTIONS OF THE ANNUAL INCOME EARNED FROM THE INVESTMENT OF THE FUND SHALL REMAIN IN THE FUND AS PART OF THE CORPUS COMPONENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Chapter 938, Local and Private Laws of 2011, is amended as follows:

Section 1. It is hereby determined and declared that for the benefit of the people of the City of Oxford, Mississippi, and the continued improvement and maintenance of the City of Oxford, and for providing for the fiscal security and sustained revenue for the city and its citizens, that it is the purpose of this act to establish an alternative method to make funds available to fulfill these obligations and important and prudent purposes by authorizing the creation, operation, administration and governance of the City of Oxford Municipal Reserve and Trust Fund, through which the ongoing needs of the city shall be met and ongoing improvements to the city be made and through which the quality and welfare of all residents of the City of Oxford will be increased, all to the public benefit and good, as more fully provided herein. This act shall apply only to the funds creating the City of Oxford Municipal Reserve and Trust Fund as more fully provided herein.

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Section 2. As used in this act, unless a different meaning clearly appears in the context, the following terms shall have the following meaning:

- (a) "City" means the City of Oxford, Mississippi, acting by and through its mayor and board of aldermen.
- (b) "Clerk" means the then clerk of the city.
- (c) "Governing authorities" means the mayor and board of aldermen of the city.
- (c) "Mayor" means the then mayor of the city.
- (d) "Mayor Pro Tem" means the then mayor pro tempore of the city.
- (e) "Board of aldermen" means the then board of aldermen of the city.
- (f) "Fund" means the City of Oxford Municipal Reserve and Trust Fund established under this act for the deposit of the sales proceeds received by the city as a result of the termination of lease and for the sale of the real and personal property related to the existing Baptist Memorial Hospital-North Mississippi facilities.
- (g) "Trustees" mean the persons chosen in accordance with this act to perform in a manner so as to safeguard the interests of the people of the city, the administrative and management duties necessary to fulfill the purposes of the City of Oxford Municipal Reserve and Trust Fund. If the city assumes administration of the fund as provided in this act, then the trustees shall refer to the mayor and board of aldermen of the city acting in the position of trustees of the fund.
- (h) "Income" means all interest and dividends derived from the investment of monies in the fund.

Section 3 The governing authorities are authorized to establish the City of Oxford Municipal Reserve and Trust Fund. The governing authorities are authorized to fund and deposit into the fund all proceeds received by the city as a result of the

termination of the lease and for the sale of the real and personal property related to the Baptist Memorial Hospital-North Mississippi facilities located on Lamar Avenue in the city and any income from the investment of those funds.

Section 4. (1) There is established the Board of Trustees of the City of Oxford Municipal Reserve and Trust Fund. The fund shall be administered, managed, invested and governed by the board of trustees.

(2) The governing authorities of the city is authorized to delegate the administration and management of the fund to the trustees, to be chosen in the manner provided in this section, and the trustees are hereby authorized to manage and invest the fund as provided in this act.

(3) The board of trustees shall consist of nine (9) members as follows:

(a) One (1) member shall be the mayor;

(b) One (1) member shall be the mayor pro tem;

(c) One (1) member shall be an alderman appointed by the mayor with the advice and consent of the board of aldermen; and

(d) Six (6) members shall be appointed by the mayor with the advice and consent of the board of aldermen.

(4) The initial term of office of the six (6) nonaldermen members shall be for one (1) year, two (2) years, three (3) years, four (4) years, five (5) years and six (6) years, respectively, as designated by the mayor.

(5) The term of office for the appointed alderman member shall be two (2) years.

(6) Notwithstanding the day on which the appointment began, all terms of the appointed trustees shall end on the first day of August of the year in which their term ends. After the initial appointments, each new trustee shall be appointed for a term of office of two (2) years, beginning on the first day of August.

Members shall be eligible for reappointment. Vacancies shall be filled for the remainder of the unexpired term in the same manner as regular appointments.

(7) Each member appointed by the mayor shall possess knowledge, skill and experience in business or financial matters commensurate with the duties and responsibilities of the board of trustees in administering the fund.

(8) Nongovernmental trustees shall serve without compensation, but shall be reimbursed * * * for travel and lodging expenses as established by Section 25-3-41, Mississippi Code of 1972. The expenses of the board of trustees in carrying out its duties and responsibilities shall be paid from income from the fund. The mayor, mayor pro tem and appointed board of alderman shall serve as trustees without compensation.

(9) The mayor pro tem shall be the chairman of the board of trustees. The board of trustees shall annually elect one (1) member to serve as vice chairman of the board of trustees. The vice chairman shall act as chairman in the absence of or upon the disability of the chairman or if there is a vacancy in the office of the chairman.

(10) The board of trustees may be dissolved at any time by the governing authorities if, by majority vote, the governing authorities finds such dissolution to be in the best interest of the public. In the case of dissolution, the governing authorities shall administer the fund directly, acting always in accordance with the provisions of this act, until such time, if any, as the governing authorities elects to reestablish a board of trustees in accordance with the procedures for appointment in as provided in of this section.

(11) The trustees shall administer and manage the fund and manage the principal and * * * income of the fund, and establish a comprehensive investment plan for the purposes of this act. The comprehensive investment plan shall specify the policies to be

utilized by the board of trustees in its administration of the fund. The board of trustees shall invest the fund in any of the investments authorized for the Mississippi Prepaid Affordable College Tuition Program under Section 37-155-9, Mississippi Code of 1972, and those investments shall be subject to the limitations prescribed by Section 37-155-9, except the fund shall be restricted from investment in the covered call and put options allowed in Section 37-155-9(v)(xi) or in the pooled or commingled real estate funds or real estate securities as outlined in Section 37-155-9(v)(xiii).

(12) In furtherance of the powers granted under subsection (11) of this section, the board of trustees shall have such powers as necessary or convenient to carry out the purposes and provisions of this act, including, but not limited to, the following express powers:

(a) To contract for necessary goods and services, to employ necessary personnel, and to engage the services of consultants for administrative and technical assistance in carrying out its duties and responsibilities in administering the fund;

(b) To administer the fund in a manner that is sufficiently actuarially sound to meet the obligations of this act;

(c) Subject to the terms, conditions, limitations and restrictions specified in Section 37-155-9, Mississippi Code of 1972, and subsection (11) of this section, the board of trustees shall have power to sell, assign, transfer and dispose of any of the securities and investments of the fund, provided that any such sale, assignment or transfer has the majority approval of the entire board of trustees; and

(d) To annually prepare, or cause to be prepared, a report setting forth in appropriate detail an accounting of the fund and a description of the financial condition of the fund at

the close of each fiscal year. The report shall be submitted to the governing authorities on or before July 1 of each fiscal year. In addition, at all times, the governing authorities shall have the right upon reasonable notice to review, inspect and/or audit fund records and accounts maintained by the trustees.

Section 5. The fund shall be invested and disbursed as follows:

(a) The fund shall be divided into two (2) components: (i) the corpus component, and (ii) the earnings component.

(b) The corpus component of the funds shall consist of the initial deposit as described above, and additional subsequent deposits from the annual income earned from the investment of the fund. Except as otherwise provided in this act, the corpus shall be inviolate and maintained and used to generate * * * income and shall not be invaded or used by the trustees.

(c) The earnings component * * * shall be defined and available for distribution by the trustees as described in the following subsections.

(d) Every fiscal year after the fund is established, the earnings component shall be considered an amount equal to three percent (3%) of the amount of the full fund balance whether or not the corpus component has generated any income in that fiscal year. All remaining portions of the annual income earned from the investment of the fund shall remain in the fund as part of the corpus component.

* * *

(e) On or before July 1 of each year, the trustees shall determine the portion of the earnings component of the trust fund, and shall report to the governing authorities as set out in Section 4 of this act. Trustees are specifically given the power to expend from the earnings component amounts required in connection with the management by the trustees of the fund, including, but not limited to, payments for accounting fees, legal

fees and investment advisor or fund management fees. These expenditures shall be included in the full report as required in Section 4 of this act.

(f) Funds comprising the earnings component shall be transferred from the fund to the general fund of the city at the direction of the clerk and shall be available for appropriation and spending by the governing authorities. * * *

Section 6. (1) Upon a three-fourths (3/4) majority vote of the board of aldermen and with approval by the mayor, the governing authorities are authorized to withdraw monies from the corpus component and have the monies disbursed to the city for appropriation and spending, in the event of the following:

(a) A state of emergency or local emergency has been declared under federal, state, or local law; or

(b) Overall budgeted collections of the city are more than five percent (5%) below that fiscal year's budgeted estimates for at least three (3) consecutive calendar months. In this instance, corpus monies may be withdrawn by the city to meet up to ninety-eight percent (98%) of projected budget shortfalls.

(2) In the event of withdrawal of any portion of the corpus component by the city pursuant to subsection (1)(a) or (1)(b) of this section, annual disbursements by the trustees of the earnings components authorized in Section 5 of this act shall cease and all income shall be retained by the trustees and repaid to the corpus until such time as the corpus component equals its full prewithdrawal amount, at which time, disbursement of earning components in accordance with Section 5 of this act may continue.

(3) In addition to the authority to withdraw as provided in subsection (1) of this section, upon a unanimous vote of the board of aldermen and with approval by the mayor, the governing authorities are authorized to withdraw monies from the corpus component and have them disbursed to the city for appropriation and spending. The withdrawal by the governing authorities

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pursuant to this subsection, shall be limited in the following manner:

(a) No such vote or withdrawal may occur without the governing authorities first conducting a full public, open municipal hearing on consideration of the matter for which such appropriation and spending would be made;

(b) Withdrawal pursuant to this subsection may occur only one time during each four-year term of the then board of aldermen and mayor;

(c) Withdrawal shall not exceed ten percent (10%) of the corpus component of the fund, as determined by the trustees; and

(d) The withdrawal must be repaid to the fund as provided in subsection (2) of this section before a withdrawal under this subsection could be authorized within a subsequent four-year term.

Section 7. This act shall take effect and be in force from and after its passage.

SECTION 2. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2074

Description: Municipal separate school districts with added territory; trustee elections conducted by county election commissioners.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: VRA

Chapter Number: 516

History of Actions:

- 1 01/12 (S) Referred To Elections
- 2 03/06 (S) Title Suff Do Pass Comm Sub
- 3 03/14 (S) Committee Substitute Adopted
- 4 03/14 (S) Passed
- 5 03/15 (S) Transmitted To House
- 6 03/19 (H) Referred To Apportionment and Elections
- 7 03/29 (H) Title Suff Do Pass
- 8 04/05 (H) Amended
- 9 04/05 (H) Passed As Amended
- 10 04/11 (H) Returned For Concurrence
- 11 04/23 (S) Concurred in Amend From House
- 12 04/24 (S) Enrolled Bill Signed
- 13 04/25 (H) Enrolled Bill Signed
- 14 05/01 Approved by Governor

Amendments:

[H] Amendment No 1 *Withdrawn*

[H] Amendment No 2 *Adopted*

Amendment Report for Senate Bill No. 2074

Code Section: A 037-0007-0211, A 037-0007-0215, A 037-0007-0217, A 037-0007-0219,
RP 037-0007-0213

----- Additional Information -----

Senate Committee: Elections

House Committee: Apportionment and Elections

Principal Author: Smith

Additional Authors: Polk, Hill

2012 GENERAL LAWS OF MISSISSIPPI, SB 2074

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Smith, Polk, Hill

To: Elections

SENATE BILL NO. 2074
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 37-7-211, 37-7-215, 37-7-217, 37-7-219 AND 37-7-213, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFYING DEADLINE FOR CANDIDATES FOR THE BOARD OF TRUSTEES OF ADDED TERRITORY IN CERTAIN MUNICIPAL SEPARATE SCHOOL DISTRICTS AND PROVIDE THAT THE ELECTION SHALL BE CONDUCTED BY THE COUNTY ELECTION COMMISSIONERS AND TO REMOVE THE PROHIBITION THAT NO PERSON WHO IS NOT PRESENT AT THE TIME AND PLACE OF HOLDING A CERTAIN ELECTION SHALL BE ELIGIBLE TO VOTE; TO REPEAL SECTION 37-7-213, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A NOTICE OF ELECTION FOR THE BOARD OF TRUSTEES REPRESENTING THE ADDED TERRITORY OF CERTAIN MUNICIPAL SEPARATE SCHOOL DISTRICTS TO BE POSTED, PUBLISHED AND ANNOUNCED IN A CERTAIN MANNER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-7-211, Mississippi Code of 1972, is amended as follows:

37-7-211. (1) The name of any qualified elector who is otherwise eligible under the provisions of subsection (1) of Section 37-7-203 who shall desire to be a candidate for the office of trustee must qualify in the following manner in order to be allowed to be considered for election. By 5:00 p.m. at least sixty (60) days before the election he shall file with the county election commissioners, a petition signed by not less than twenty-five (25) qualified electors of the area represented by the office which he seeks, either for a full term or an unexpired term, as the case may be, and an affidavit by the candidate offering for election stating his qualifications under the terms of the section. The petition shall contain an affidavit certifying that all signatures are the personal signatures of each person whose name appears on the petition and that each person is a qualified elector.

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(2) Unless the petition and affidavit required in subsection (1) of this section is filed by 5:00 p.m. not less than sixty (60) days prior to the election, the name of the candidate shall not be considered in the election, and votes cast for any person who has failed to qualify shall not be counted in the election.

(3) If after the time for candidates to file the petition and affidavit provided for in this section there should be only one (1) person to qualify for the office of trustee, then no election or notice of election shall be necessary and such person shall, if otherwise qualified, be declared elected without opposition.

SECTION 2. Section 37-7-215, Mississippi Code of 1972, is amended as follows:

37-7-215. * * *

All such elections shall be held on the first Tuesday after the first Monday in November of each year and in the same manner as general state and county elections are held and conducted. In the event a runoff is necessary the runoff shall be held three (3) weeks thereafter.

SECTION 3. Section 37-7-217, Mississippi Code of 1972, is amended as follows:

37-7-217. (1) The county election commissioners shall indicate on the ballot which of the persons whose names appear thereon are candidates for a full term, and which of such persons, if any, are candidates for an unexpired term or terms.

(2) The qualified electors of each school district operating under Section 37-7-215 * * * shall vote on the date specified in that section and at the * * * special trustee election districts. * * *

(3) A person elected shall * * * assume the duties of his office for the full term on the first day of January if the election is for the full term. A person elected to an unexpired term shall assume office immediately.

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(4) The county election commissioners * * * shall forthwith certify the results of the election to the superintendent of the municipal separate or special municipal separate school district, as the case may be, which certificate shall be delivered to such superintendent within five (5) days following the first election * * *.

(5) If a person does not receive a majority of the votes cast at the election, a runoff shall be held between the two (2) persons receiving the highest number of votes at the first election * * *.

SECTION 4. Section 37-7-219, Mississippi Code of 1972, is amended as follows:

37-7-219. (1) For the purpose of holding such an election, it shall be the duty of the county election commissioners to prepare from the records in the office of the county registrar a list of the qualified electors of the school district who are eligible to participate in the election. The list shall be furnished to the election managers in each precinct, together with the ballots and other election supplies. * * *

(2) In the event that any election precinct embraces parts of two (2) or more school districts it shall be the duty of the county election commissioners to prepare from the records in the office of the county registrar separate lists of the qualified electors of each school district who reside in the precinct and who are eligible to participate in the election. The election commissioners shall furnish to the election managers in the precinct separate ballots and separate ballot boxes and separate voting lists for each school district.

(3) For each day spent in carrying out the provisions of Sections 37-7-211 through 37-7-219, the county election commissioners shall be paid at the rate prescribed by law.

SECTION 5. Section 37-7-213, Mississippi Code of 1972, which provides for a notice of election for the board of trustees

representing the added territory of certain municipal separate school districts to be posted, published and announced in a certain manner, is repealed.

SECTION 6. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 7. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2227

Description: Vote fraud; constitute a disqualifying conviction.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: VRA

Chapter Number: 517

History of Actions:

- 1 01/23 (S) Referred To Elections
- 2 02/29 (S) Title Suff Do Pass Comm Sub
- 3 03/12 (S) Committee Substitute Adopted
- 4 03/12 (S) Passed
- 5 03/14 (S) Transmitted To House
- 6 03/19 (H) Referred To Apportionment and Elections
- 7 03/29 (H) Title Suff Do Pass As Amended
- 8 04/05 (H) Amended
- 9 04/05 (H) Passed As Amended
- 10 04/05 (H) Motion to Reconsider Entered (Evans (70th), Denny, Horne,
Scott)
- 11 04/12 (H) Motion to Reconsider Tabled
- 12 04/13 (H) Returned For Concurrence
- 13 04/20 (S) Concurred in Amend From House
- 14 04/25 (S) Enrolled Bill Signed
- 15 04/25 (H) Enrolled Bill Signed
- 16 05/02 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2227

Code Section: A 023-0015-0011, A 023-0015-0019, A 023-0015-0151

----- Additional Information -----

Senate Committee: Elections

House Committee: Apportionment and Elections

Principal Author: McDaniel

Additional Authors: Watson, Hill

2012 GENERAL LAWS OF MISSISSIPPI, SB 2227

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) McDaniel, Watson, Hill

To: Elections

SENATE BILL NO. 2227
(As Sent to Governor)

AN ACT TO AMEND SECTION 23-15-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT VOTE FRAUD SHALL BE A DISQUALIFYING CONVICTION FOR PURPOSES OF VOTER REGISTRATION PURSUANT TO SECTION 244A OF THE MISSISSIPPI CONSTITUTION OF 1890; TO AMEND SECTIONS 23-15-19 AND 23-15-151, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 23-15-11, Mississippi Code of 1972, is amended as follows:

23-15-11. Every inhabitant of this state, except persons adjudicated to be non compos mentis, who is a citizen of the United States of America, eighteen (18) years old and upwards, who has resided in this state for thirty (30) days and for thirty (30) days in the county in which he seeks to vote, and for thirty (30) days in the incorporated municipality in which he seeks to vote, and who has been duly registered as an elector under Section 23-15-33, and who has never been convicted of vote fraud or of any crime listed in Section 241, Mississippi Constitution of 1890, shall be a qualified elector in and for the county, municipality and voting precinct of his residence, and shall be entitled to vote at any election. Any person who will be eighteen (18) years of age or older on or before the date of the general election and who is duly registered to vote not less than thirty (30) days before the primary election associated with the general election may vote in the primary election even though the person has not reached his or her eighteenth birthday at the time that the person seeks to vote at the primary election. No others than those

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specified in this section shall be entitled, or shall be allowed, to vote at any election.

SECTION 2. Section 23-15-19, Mississippi Code of 1972, is amended as follows:

23-15-19. Any person who has been convicted of vote fraud or of any crime listed in Section 241, Mississippi Constitution of 1890, shall not be registered, or if registered the name of the person shall be erased from the registration book on which it may be found by the registrar or by the election commissioners. Whenever any person shall be convicted in the circuit court of his county of any of those crimes, the registrar shall thereupon erase his name from the registration book; and whenever any person shall be convicted of any of those crimes in any other court of any county, the presiding judge of the court shall, on demand, certify the fact in writing to the registrar, who shall thereupon erase the name of the person from the registration book and file the certificate as a record of his office.

SECTION 3. Section 23-15-151, Mississippi Code of 1972, is amended as follows:

23-15-151. The circuit clerk of each county is authorized and directed to prepare and keep in his office a full and complete list, in alphabetical order, of persons convicted of vote fraud or of any crime listed in Section 241, Mississippi Constitution of 1890. The clerk shall enter the names of all persons who have been or shall be hereafter convicted of vote fraud or of any crime listed in Section 241, Mississippi Constitution of 1890, in a book prepared and kept for that purpose. The board of supervisors of each county shall, as early as practicable, furnish the circuit clerk of their county with a suitable book for the enrollment of those names showing the name, date of birth, address, court, crime and date of conviction. The roll, when so prepared, shall be compared with the registration book before each election commissioner of the county. A certified copy of any enrollment by

one clerk to another will be sufficient authority for the enrollment of the name, or names, in another county.

SECTION 4. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 5. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

Mississippi Legislature
2012 Regular Session

Senate Bill 2321

Description: Window Tint Law; exempt government fire department vehicles.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2012

Chapter Number: 500

History of Actions:

- 1 02/03 (S) Referred To Highways and Transportation; Accountability, Efficiency, Transparency
- 2 02/29 (S) DR - TSDP: HI To AC
- 3 03/05 (S) Title Suff Do Pass
- 4 03/08 (S) Passed
- 5 03/08 (S) Immediate Release
- 6 03/08 (S) Transmitted To House
- 7 03/14 (H) Referred To Transportation
- 8 03/21 (H) Title Suff Do Pass
- 9 03/21 (H) Amended
- 10 03/21 (H) Passed As Amended
- 11 03/23 (H) Returned For Concurrence
- 12 04/19 (S) Concurred in Amend From House
- 13 04/24 (S) Enrolled Bill Signed
- 14 04/25 (H) Enrolled Bill Signed
- 15 05/01 Approved by Governor

Amendments:

[H] Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2321

Code Section: A 063-0007-0059

----- **Additional Information** -----

Senate Committee: Highways and Transportation, Accountability, Efficiency, Transparency

House Committee: Transportation

Principal Author: Hill

Additional Authors: Smith, Jones, Doty, Polk, Montgomery, Longwitz, Brown, McDaniel, Collins, Jolly, Hale, Tindell, Jackson (11th)

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Hill, Smith, Jones, Doty,
Polk, Montgomery, Longwitz, Brown, McDaniel,
Collins, Jolly, Hale, Tindell, Jackson (11th)

To: Highways and
Transportation;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2321
(As Sent to Governor)

AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO EXEMPT GOVERNMENT-OWNED FIRE DEPARTMENT VEHICLES FROM THE WINDOW TINT LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-7-59, Mississippi Code of 1972, is amended as follows:

63-7-59. (1) No person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any sign or poster, or with any glazing material which causes a mirrored effect, upon the front windshield, side wings or side or rear windows of such vehicle, other than a certificate or other paper required or authorized to be so displayed by law. No person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any tinted film, glazing material or darkening material of any kind on the windshield of a motor vehicle except material designed to replace or provide a sun shield in the uppermost area as authorized to be installed by manufacturers of vehicles under federal law.

(2) From and after July 1, 2006, no person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any window tinted or darkened, by tinted film or otherwise, unless:

(a) The windshield of the vehicle has affixed to it a label as provided under subsection (6) of this section certifying that all the windows of the vehicle have a light transmittance of twenty-eight percent (28%) or more; or

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(b) The owner or operator of the vehicle has a certificate of medical exemption issued under subsection (4) of this section.

(3) The prohibitions of subsection (2) of this section shall not apply to (a) school buses, other buses used for public transportation, any bus or van owned or leased by a nonprofit organization duly incorporated under the laws of this state or any funeral home services vehicle, any limousine owned or leased by a private or public entity, or any government-owned law enforcement or fire department vehicle or any volunteer fire department vehicle; (b) any window behind the front two (2) side windows, including the rear window, of any pickup truck, van, motor home, recreational vehicle, sport utility vehicle or multipurpose vehicle that has been tinted or darkened after factory delivery to the extent that the light transmittance of the window meets the minimum light transmittance requirements authorized to be installed for that window and for that vehicle under federal law or regulations before factory delivery; or (c) any other motor vehicle the windows of which have been tinted or darkened before factory delivery as permitted by federal law or federal regulations.

(4) Notwithstanding the provisions of subsection (2) of this section, it shall be lawful for any person who has been diagnosed by a licensed physician in this state as having a physical condition or disease which is seriously aggravated by minimum exposure to sunlight to place or have placed upon the windshield or windows of any motor vehicle which he owns or operates or within which he regularly travels as a passenger tinted film or other darkening material which would otherwise be in violation of this section. However, any such vehicle, in order to be exempt under this subsection, shall have prominently displayed on the vehicle dashboard a certificate of medical exemption on a form prepared by the Commissioner of Public Safety and signed by the

person on whose behalf the certificate is issued. The special certificate authorized by this subsection (4) shall be issued free of charge to the applicants through the offices of the tax collectors of the counties. Each applicant shall present to the issuing official (a) an affidavit signed personally by the applicant and signed and attested by a physician which states the applicant's physical condition or disease which entitles him to an exemption under this subsection, and (b) proof of ownership of the motor vehicle by the applicant, or a signed affidavit by the owner of a motor vehicle operated for the use of the applicant, for which he is obtaining the certificate.

(5) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(6) The Department of Public Safety shall issue labels to official motor vehicle inspection stations for affixing to the windshield of every motor vehicle required to be inspected in this state with a window therein which has been tinted or darkened with any tinted film or other darkening material after factory delivery. The label shall be affixed to the lower left corner of the windshield directly above the certificate of inspection, shall be legible from outside the vehicle, and shall indicate the label registration number, a certification of compliance with Mississippi law, and such other information as the Commissioner of Public Safety deems appropriate. The labels shall be of a type which is pressure-sensitive, self-destructive upon removal, and no larger than one (1) inch square in size. Before affixing the label, the inspection station shall conduct a test to determine that the window complies with the light transmittance requirements prescribed under subsection (2) of this section. The test shall be conducted using such methods or devices as may be approved and certified not less often than annually by the Department of Public

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Safety. An inspection station shall not be required by the department to enter into a bond separate and apart from any bond required for official inspection stations as provided under Section 63-13-5, but the bond required under Section 63-13-5 shall be considered entirely sufficient for the purposes of this section. For conducting such tests, motor vehicle inspection stations shall charge and collect a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of such fee shall be retained by the inspection station, and Three Dollars (\$3.00) of the fee shall be remitted to the Department of Public Safety and may be expended, upon legislative appropriation, for the operational expenses of the department. No fee shall be charged unless a test is actually performed under this subsection and no inspection station shall be required to perform a test to determine if the windows of a motor vehicle have been tinted or darkened with any tinted film or other darkening material after factory delivery so long as the inspection station does not issue a motor vehicle inspection certificate for any such vehicle. The presence of such label upon the windshield of a motor vehicle shall indicate that the person who affixed the label certifies that the windows of the vehicle meet the restrictions of subsection (2) of this section as to light transmittance.

(7) No person shall install any tinted film, darkening material, glazing material or any other material upon the windshield or any window of a motor vehicle which, after the installation thereof, would result in such vehicle being in violation of subsection (2) of this section.

(8) No motor vehicle inspection certificate shall be issued for a vehicle on which the windshield or any window of the vehicle has been darkened by the installation of tinted film or by other means, except as authorized under this section. Inspection certificates may be issued for motor vehicles which have labels affixed pursuant to subsection (6) of this section and for motor

vehicles for which a certificate of medical exemption has been issued pursuant to subsection (4) of this section.

(9) It shall be unlawful for any person to alter or reproduce any label or certificate of medical exemption approved by the Commissioner of Public Safety under this section for the purpose of misleading law enforcement officers or motor vehicle inspection stations, or to knowingly use any approved label or certificate except as authorized by this section.

(10) Any person violating subsection (7), (8) or (9) of this section, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or imprisonment in the county jail for not more than three (3) months, or by both such fine and imprisonment.

(11) Any violation of this section other than a violation of subsection (7), (8) or (9) of this section shall be punishable upon conviction as provided in Section 63-7-7.

(12) Violations of this section shall be enforced only by law enforcement officers of the Mississippi Department of Public Safety and municipal law enforcement officers of municipalities having a population of two thousand (2,000) or more on the public roads, streets and highways under their jurisdiction.

(13) The Department of Public Safety shall initiate a public awareness program designed to inform and educate persons of the provisions of this section. Funds for such public awareness program shall be available through the office of the Governor's representative for highway safety programs.

SECTION 2. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

Senate Bill 2368

Description: Department of Revenue; revise provisions relating to enforcement and regulation of various laws.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: Passage

Chapter Number: 566

History of Actions:

- 1 02/13 (S) Referred To Finance
- 2 03/01 (S) Title Suff Do Pass
- 3 03/12 (S) Passed
- 4 03/12 (S) Motion to Reconsider Entered
- 5 03/16 (S) Reconsidered
- 6 03/16 (S) Amended
- 7 03/16 (S) Passed As Amended
- 8 03/20 (S) Transmitted To House
- 9 03/21 (H) Referred To Ways and Means
- 10 04/03 (H) Title Suff Do Pass As Amended
- 11 04/05 (H) Read the Third Time
- 12 04/10 (H) Amended
- 13 04/10 (H) Passed As Amended
- 14 04/10 (H) Motion to Reconsider Entered (Carpenter, Smith (39th), Rogers (61st))
- 15 04/12 (H) Motion to Reconsider Tabled
- 16 04/13 (H) Returned For Concurrence
- 17 04/19 (S) Decline to Concur/Invite Conf
- 18 04/24 (S) Conferees Named Fillingane, Flowers, Parks
- 19 04/25 (H) Conferees Named Smith (39th), Mayo, Holland
- 20 04/27 (S) Conference Report Filed
- 21 04/27 (H) Conference Report Filed
- 22 04/28 (H) Conference Report Adopted
- 23 04/30 (S) Conference Report Adopted
- 24 05/03 (S) Enrolled Bill Signed
- 25 05/03 (H) Enrolled Bill Signed
- 26 05/23 Approved by Governor

Amendments:

[S] Amendment No 1 *Withdrawn*

[S] Amendment No 2 *Adopted*

[H] Committee Amendment No 1 *Adopted*

[H] Amendment No 1 to Committee Amendment No 1 *Lost*

Amendment Report for Senate Bill No. 2368

Conference Reports:

Conference Report

Code Section: A 027-0003-0083, A 067-0001-0051, A 067-0003-0017, A 027-0069-0021,
A 027-0069-0049, A 027-0007-0345, A 027-0065-0039, A 027-0069-0009,
A 063-0017-0171

----- Additional Information -----

Senate Committee: Finance

House Committee: Ways and Means

Principal Author: Fillingane

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Fillingane

To: Finance

SENATE BILL NO. 2368
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-3-83, MISSISSIPPI CODE OF 1972, TO EXPAND THE TYPES OF DOCUMENTS THAT THE COMMISSIONER OF REVENUE MAY SPECIFY THE METHOD BY WHICH SUCH DOCUMENTS MAY BE FILED WITH THE DEPARTMENT OF REVENUE; TO PROVIDE THAT BY MANUALLY SIGNING OR AFFIXING AN ELECTRONIC SIGNATURE TO A DOCUMENT FILED WITH THE DEPARTMENT OF REVENUE, THE PERSON SIGNING THE DOCUMENT OR AFFIXING THE ELECTRONIC SIGNATURE TO THE DOCUMENT IS SWEARING UNDER OATH THAT ALL INFORMATION CONTAINED IN THE DOCUMENT IS TRUE AND CORRECT AND THAT HE OR SHE HAS THE SAME AUTHORITY TO SIGN THE DOCUMENT OR AFFIX THE ELECTRONIC SIGNATURE TO THE DOCUMENT AS THE PERSON FILING THE DOCUMENT OR AS THE DULY AUTHORIZED REPRESENTATIVE OF THE PERSON OR ENTITY FOR WHOM THE DOCUMENT IS BEING FILED; TO PROVIDE A CRIMINAL PENALTY FOR KNOWINGLY SUBMITTING FALSE INFORMATION IN A DOCUMENT OR SIGNING OR AFFIXING AN ELECTRONIC SIGNATURE TO A DOCUMENT WITHOUT THE AUTHORITY TO DO SO; TO AUTHORIZE THE DEPARTMENT TO RELEASE CONFIDENTIAL INFORMATION AND DOCUMENTS TO A PERSON DESIGNATED TO RECEIVE SUCH INFORMATION OR DOCUMENTS IN A PROPERLY EXECUTED POWER OF ATTORNEY OR OTHER DOCUMENT; TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT APPLICANTS FOR TEMPORARY RETAILER'S PERMITS ISSUED UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW MUST SUBMIT A STATEMENT UNDER PENALTY OF PERJURY, RATHER THAN AN AFFIDAVIT, THAT HE MEETS CERTAIN REQUIREMENTS; TO AMEND SECTION 67-3-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COMMISSIONER OF REVENUE SHALL PRESCRIBE THE FORM OF THE APPLICATION FOR A PERMIT UNDER THE LIGHT WINE AND BEER LAW AND THAT SUCH APPLICATION MUST BE SIGNED UNDER PENALTY OF PERJURY; TO AMEND SECTION 27-69-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN ORDER TO OBTAIN A CHARITABLE EXEMPTION UNDER THE TOBACCO TAX LAW, PROOF THAT TAXABLE TOBACCO DONATED TO CERTAIN CHARITABLE ORGANIZATIONS WAS NOT PURCHASED FOR RESALE MUST BE ACCOMPANIED BY AN EXEMPTION CLAIM FORM AND SIGNED UNDER PENALTY OF PERJURY RATHER THAN AN AFFIDAVIT; TO AMEND SECTION 27-69-49, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN ORDER TO OBTAIN A REFUND UNDER THE TOBACCO TAX LAW FOR LOSS OF PRODUCT, THE PROOF OF LOSS OF TOBACCO FORM MUST BE SIGNED UNDER PENALTY OF PERJURY RATHER THAN SUPPORTED BY AN AFFIDAVIT; TO AMEND SECTION 27-7-345, MISSISSIPPI CODE OF 1972, TO REMOVE THE PENALTY FOR A SECOND OR SUBSEQUENT OFFENSE FOR FAILURE TO FILE A WITHHOLDING TAX RETURN WITHIN THE TIME PRESCRIBED OR FOR FAILURE TO PAY THE TAX WHEN SUCH FAILURE WAS NOT THE RESULT OF ANY FRAUDULENT INTENT; TO AMEND SECTION 27-65-39, MISSISSIPPI CODE OF 1972, TO REMOVE THE DAMAGES FOR A SECOND OR SUBSEQUENT OFFENSE FOR NEGLIGENCE OR FAILURE TO COMPLY WITH THE PROVISIONS OF THE SALES TAX LAW IF THERE WAS NO INTENT TO DEFRAUD; TO AMEND SECTION 27-69-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF REVENUE TO NOTIFY MANUFACTURERS, WHOLESALEERS AND DISTRIBUTORS

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OF THE REVOCATION OF A PERMIT UNDER THE TOBACCO TAX LAW EITHER MANUALLY OR ELECTRONICALLY AS SPECIFIED BY RULE OR REGULATION; TO AMEND SECTION 63-17-171, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ALL ADMINISTRATIVE PROVISIONS OF THE MISSISSIPPI SALES TAX LAW SHALL APPLY TO THE POINT-OF-SALE FEE LEVIED ON THE RETAIL SALES OF ALL-TERRAIN VEHICLES AND MOTORCYCLES, AND TO THE FEE LEVIED ON RESIDENTS OF THIS STATE WHO PURCHASE A NEW AND NOT PREVIOUSLY REGISTERED MOTORCYCLE OR ALL-TERRAIN VEHICLE IN ANOTHER STATE AND BRING THE MOTORCYCLE INTO THIS STATE; TO EXCLUDE VEHICLES DESIGNED FOR USE AS GOLF CARTS FROM THE TERM "ALL-TERRAIN" VEHICLE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-3-83, Mississippi Code of 1972, is amended as follows:

27-3-83. (1) The Commissioner of Revenue may specify by rule or regulation the manner and method, either manually or electronically, by which tax returns, supporting schedules, information returns, applications for permits, licenses or titles, powers of attorney, review board appeal petitions, and other * * * documents and information may be filed with the Department of Revenue. The commissioner may require certain taxpayers to submit any or all tax returns, schedules or other documents and information electronically; however, the commissioner shall not require the submission of returns, schedules or other documents and information electronically by taxpayers that do not have the capability to make the submissions electronically.

(2) The Commissioner of Revenue may specify by rule or regulation alternative forms of electronic signature that may be allowed or required on tax returns and other documents. Such an electronic signature shall have the same legal effect as that of a manual signature.

(3) An electronic or paper reproduction of a form or document, or the reproduction of the information placed on computer storage devices by electronic means, shall be deemed to be an original of the form or document for all purposes and is admissible in evidence without further foundation in all courts and administrative hearings if the following certification by the

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Commissioner of Revenue, along with his official seal, is affixed to the reproduction:

The Commissioner of Revenue, official custodian of all records of the Department of Revenue, hereby certifies this document is a true reproduction of the information contained in the official records of this agency.

(4) If a person fails to comply with the rules and regulations promulgated by the commissioner under the provisions of subsection (1) or (2) of this section; fails to comply with any electronic filing mandate; fails to complete any return, supporting schedule, information return or other * * * document or fails to remit any required schedule or additional information, the commissioner may impose a penalty of Twenty-five Dollars (\$25.00) for the first instance of noncompliance and Five Hundred Dollars (\$500.00) for each additional instance of noncompliance. Any penalty imposed under this section shall be collected in the same manner as that set forth for the collection of penalties under the Mississippi Sales Tax Law, being Section 27-65-1 et seq.

(5) By manually signing or affixing an electronic signature to a document that may be filed with the department, the person signing the document or affixing the electronic signature to the document is swearing under oath that all information contained in the document is true and correct and that he or she has the same authority to sign the document or affix the electronic signature to the document as the person filing the document or as the duly authorized representative of the person or entity for whom the document is being filed. Should the person signing or affixing an electronic signature to a document filed with the Department of Revenue knowingly submit information in the document that is false or sign or affix an electronic signature to the document on the behalf of another person or entity without the authority to do so, he or she shall be guilty of perjury and, upon conviction, shall

be punished by imprisonment in the State Penitentiary for a term not exceeding ten (10) years.

(6) Notwithstanding the confidentiality of the information and documents in its possession, the Department of Revenue may release any information or a copy of any document in its possession and custody to any person designated to receive the information or document in a power of attorney or other document authorizing the release of the information or document which has been properly executed by the person or the duly authorized representative of the entity to whom the information or document pertains and where the authorization has not expired, been revoked, cancelled or otherwise rendered ineffective by death or other circumstances. The Department of Revenue may require the prepayment of the cost of the production of such information or records. The Department of Revenue retains the right to deny the release of information and documents for good cause, including, but not limited to, interference with its operation or with an ongoing tax, criminal, permit or regulatory investigation or prosecution, and the possible violation of any federal law, state law or exchange agreement with the Internal Revenue Service, other federal agency, another state agency or the revenue department of another state.

SECTION 2. Section 67-1-51, Mississippi Code of 1972, is amended as follows:

67-1-51. (1) Permits which may be issued by the department shall be as follows:

(a) **Manufacturer's permit.** A manufacturer's permit shall permit the manufacture, importation in bulk, bottling and storage of alcoholic liquor and its distribution and sale to manufacturers holding permits under this chapter in this state and to persons outside the state who are authorized by law to purchase the same, and to sell exclusively to the department.

Manufacturer's permits shall be of the following classes:

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Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining, mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol.

Class 2. Wine manufacturer's permit, which shall authorize the holder thereof to manufacture, import in bulk, bottle and store wine or vinous liquor.

Class 3. Native wine producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native wines.

(b) **Package retailer's permit.** Except as otherwise provided in this paragraph, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines, not to be consumed on the premises where sold. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50) milliliters by liquid measure. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers and other beverages commonly used to mix with alcoholic beverages. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.

(c) **On-premises retailer's permit.** An on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the

permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv), a dated receipt for the wine and the meal is available. Such a permit shall issue only to qualified hotels, restaurants and clubs, and to common carriers with adequate facilities for serving passengers. In resort areas, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to such establishments as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales.

(d) **Solicitor's permit.** A solicitor's permit shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper permit, to solicit on behalf of his employer orders for alcoholic beverages, and to otherwise promote his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1) principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.

(e) **Native wine retailer's permit.** A native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened

containers at an establishment located on the premises of or in the immediate vicinity of a native winery.

(f) **Temporary retailer's permit.** A temporary retailer's permit shall permit the purchase and resale of alcoholic beverages, including native wines, during legal hours on the premises described in the temporary permit only.

Temporary retailer's permits shall be of the following classes:

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2. A temporary permit, not to exceed seventy (70) days, may be issued to prospective permittees seeking to transfer a permit authorized in paragraph (c) of this subsection. A Class 2 permit may be issued only to applicants demonstrating to the

department, by a statement signed under the penalty of perjury, that they meet the qualifications of Sections 67-1-5(1), (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The department, following a preliminary review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2 temporary permittees must purchase their alcoholic beverages directly from the department or, with approval of the department, purchase the remaining stock of the previous permittee. If the proposed applicant of a Class 1 or Class 2 temporary permit falsifies information contained in the application or statement, the applicant shall never again be eligible for a retail alcohol beverage permit and shall be subject to prosecution for perjury.

Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws

pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (1) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine or beer.

(g) **Caterer's permit.** A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed location owned or operated by the caterer, on-premises retailer or affiliated entity and an on-premises retailer's permit shall be required for the separate location. All sales of alcoholic beverages by holders of a caterer's permit shall be made at the location being catered by the caterer, and such sales may be made only for consumption at the catered location. The location being

catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale, distribution and possession of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

(h) **Research permit.** A research permit shall authorize the holder thereof to operate a research facility for the professional research of alcoholic beverages. Such permit shall authorize the holder of the permit to import and purchase limited amounts of alcoholic beverages from the department or from importers, wineries and distillers of alcoholic beverages for professional research.

(i) **Alcohol processing permit.** An alcohol processing permit shall authorize the holder thereof to purchase, transport and possess alcoholic beverages for the exclusive use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient. An alcohol processing permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in the business of cooking, processing or manufacturing products which contain alcoholic

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beverages. The amounts of alcoholic beverages allowed under an alcohol processing permit shall be set by the department.

(j) **Hospitality cart permit.** A hospitality cart permit shall authorize the sale of alcoholic beverages from a mobile cart on a golf course that is the holder of an on-premises retailer's permit. The alcoholic beverages sold from the cart must be consumed within the boundaries of the golf course.

(k) **Special service permit.** A special service permit shall authorize the holder to sell commercially sealed alcoholic beverages to the operator of a commercial or private aircraft for en route consumption only by passengers. A special service permit shall be issued only to a fixed-base operator who contracts with an airport facility to provide fueling and other associated services to commercial and private aircraft.

(l) **Merchant permit.** A merchant permit shall be issued only to the owner of a spa facility, an art studio or gallery, or a cooking school, and shall authorize the holder to serve complimentary by the glass wine only, including native wine, at the holder's spa facility, art studio or gallery, or cooking school. A merchant permit holder shall obtain all wine from the holder of a package retailer's permit.

(m) **Temporary wine charitable auction permit.** A temporary permit, not to exceed five (5) days, may be issued to a qualifying charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell wine for the limited purpose of raising funds for the organization during a live or silent auction that is conducted by the organization and that meets the following requirements: (i) the auction is conducted in an area of the state where the sale of wine is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the wine to be auctioned must be stored separately from the wine sold,

stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(2) Except as otherwise provided in subsection (4) of this section, retail permittees may hold more than one (1) retail permit, at the discretion of the department.

(3) Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this chapter within four hundred (400) feet of any church, school, kindergarten or funeral home. However, within an area zoned commercial or business, such minimum distance shall be not less than one hundred (100) feet.

A church or funeral home may waive the distance restrictions imposed in this subsection in favor of allowing issuance by the department of a permit, pursuant to subsection (1) of this section, to authorize activity relating to the manufacturing, sale or storage of alcoholic beverages which would otherwise be prohibited under the minimum distance criterion. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the church or funeral home having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.

The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a bed and breakfast inn listed in the National Register of Historic Places or to the sale or storage of alcoholic beverages in a historic district that is listed in the National Register of Historic Places, is a qualified resort area and is located in a

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municipality having a population greater than one hundred thousand (100,000) according to the latest federal decennial census.

(4) No person, either individually or as a member of a firm, partnership, limited liability company or association, or as a stockholder, officer or director in a corporation, shall own or control any interest in more than one (1) package retailer's permit, nor shall such person's spouse, if living in the same household of such person, any relative of such person, if living in the same household of such person, or any other person living in the same household with such person own any interest in any other package retailer's permit.

SECTION 3. Section 67-3-17, Mississippi Code of 1972, is amended as follows:

67-3-17. (1) Any person desiring to engage in any business taxable under Sections 27-71-303 through 27-71-317, Mississippi Code of 1972, either as a retailer, or as a wholesaler or distributor, or as a manufacturer, of light wines or beer, shall file with the commissioner an application for a permit allowing him to engage in such business. The application for a permit shall * * * contain a statement showing the name of the business, and if a partnership, firm, association or limited liability company, the name of each partner or member, and if a corporation the names of two (2) principal officers, the post office address, and the nature of business in which engaged. In case any business is conducted at two (2) or more separate places, a separate permit for each place of business shall be required. The commissioner shall prescribe the form of the application and designate who is required to sign the application. The application shall be signed under penalty of perjury.

(2) The application shall include a statement that the applicant * * * will not allow any intoxicating liquor as defined by this chapter, including beer, wine and distilled spirits, or alcoholic, malt, or vinous liquors including beer and wine, having

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an alcoholic content of more than five percent (5%) by weight, to be kept, stored or secreted in or on the premises described in such permit or license, and that the applicant will not otherwise violate any law of this state, or knowingly allow any other person to violate any such law, while in or on such premises.

(3) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 4. Section 27-69-21, Mississippi Code of 1972, is amended as follows:

27-69-21. (1) The provisions of this chapter shall not apply to any tobacco donated to any charitable organization for the use of inmates of any institution supported, in whole or in part, by donations from the public, nor shall its provisions apply to tobacco purchased by the state or federal government for use of inmates of any state or federal institution. This exemption from the payment of the tax can only be allowed by the commissioner on sales supported by proof that such taxable tobacco was not purchased for resale, but donated to the inmates of the institution claiming such exemption. This proof must be accompanied by an exemption claim form as prescribed by the commissioner and signed under penalty of perjury by an official of the institution requesting the exemption.

(2) It is further provided that no tax shall apply on sales of tobacco by a wholesaler or distributor to a retailer for resale on the Mississippi and Tennessee Rivers at midstream or in the intercoastal waterway in the Mississippi Sound to crew members for use or consumption on boats or barges transporting property in interstate commerce.

SECTION 5. Section 27-69-49, Mississippi Code of 1972, is amended as follows:

27-69-49. (1) The commissioner may promulgate rules and regulations providing for refunds to dealers of the face value of

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stamps affixed to any cigarettes which have become unfit for use and consumption, unsalable, or for any other legitimate loss which may occur, upon proof of such loss. Refund is to be made by issuing new stamps of an aggregate value of the tax paid on the goods adjudged to be unfit for use, consumption, unsalable, or any other loss suffered.

(2) * * * The proof of loss required to obtain a refund of the amount so authorized in subsection (1) of this section, shall be in a form prescribed by the commissioner and signed by the applicant under penalty of perjury, his agent or representative, or other person familiar with the facts relied upon, setting out in detail the facts and circumstances under which the loss occurred.

* * *

(3) The commissioner shall keep a permanent record of all such refunds made by him, in his office, and shall receive credit for such refunds.

(4) No cigarettes which have been adjudged unfit for use and consumption, or unsalable, shall again be offered for sale in this state, and any person selling or offering to sell, or to give away, any such cigarettes shall be guilty of a misdemeanor.

SECTION 6. Section 27-7-345, Mississippi Code of 1972, is amended as follows:

27-7-345. Any taxpayer who either fails to file a required return within the time prescribed, or who fails to remit the tax or remits less than the amount due under the return, shall be liable for the following penalties:

(a) If the failure to file a return within the time prescribed, or the failure to pay the tax or any part thereof, was not the result of any fraudulent intent, the taxpayer shall be liable for a penalty in the amount of ten percent (10%) * * * of the total amount of deficiency or delinquency in the tax, plus interest on the amount of tax due at the rate of one percent (1%)

per month on the amount not paid, from the date such tax was due until paid, and such amount shall be added to the liability of the taxpayer unless such failure was due to reasonable cause.

(b) If the failure to file the return or to remit the tax or any part thereof was the result of a fraudulent intent to evade the payment to the commissioner, the taxpayer, in addition to the criminal penalty provided in Section 27-7-347, shall be liable for a penalty of fifty percent (50%) of the tax due, plus interest on the amount of tax due at the rate of one percent (1%) per month on the amount not paid.

(c) If the failure to file an information return or to furnish a required statement within the time prescribed was not the result of any fraudulent intent, the taxpayer shall be liable for a penalty of Five Dollars (\$5.00) per statement, with a minimum of Two Hundred Fifty Dollars (\$250.00) up to a maximum of Ten Thousand Dollars (\$10,000.00) per reporting account.

(d) If the failure to file an information return or to furnish a required statement was the result of intentional disregard of filing requirements, the taxpayer shall be liable for a penalty of Twenty-five Dollars (\$25.00) per statement, with a minimum of Two Hundred Fifty Dollars (\$250.00) up to a maximum of Fifty Thousand Dollars (\$50,000.00) per reporting account.

SECTION 7. Section 27-65-39, Mississippi Code of 1972, is amended as follows:

27-65-39. If any part of the deficient or delinquent tax is due to negligence or failure to comply with the provisions of this chapter or authorized rules and regulations promulgated under the provisions of this chapter without intent to defraud, there may be added as damages ten percent (10%) * * * of the total amount of deficiency or delinquency in the tax, or interest at the rate of one percent (1%) per month, or both, from the date such tax was due until paid, and the tax, damages and interest shall become payable upon notice and demand by the commissioner.

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If any part of the deficient or delinquent tax is due to intentional disregard of the provisions of this chapter or authorized rules and regulations promulgated under the provisions of this chapter, or to fraud with intent to evade the law, then there shall be added as damages fifty percent (50%) of the total amount of the deficiency or delinquency of the tax, and in such case the whole amount of tax unpaid, including the charges so added, shall become due and payable upon notice and demand by the commissioner, and interest of one percent (1%) per month of the tax shall be added from the date such tax was due until paid.

* * *

SECTION 8. Section 27-69-9, Mississippi Code of 1972, is amended as follows:

27-69-9. In addition to the penalties imposed in this chapter, after the second offense for any violation, the commissioner may revoke any permit which may have been issued to any person, or persons, violating any provisions of this chapter, or any rules or regulations promulgated by the commissioner under authority of this chapter.

The commissioner, in the event a permit is revoked, is required to notify * * * all manufacturers, wholesalers and distributors having a permit required by this chapter, that the permit has been revoked, and such manufacturer, wholesaler and distributor is henceforth prohibited from selling taxable tobacco to such dealer or retailer. The commissioner may notify manufacturers, wholesalers and distributors as required by this paragraph either manually or electronically and shall specify by rule or regulation the method by which the notification shall be made.

SECTION 9. 63-17-171, Mississippi Code of 1972, is amended as follows:

63-17-171. (1) (a) There is levied a point-of-sale fee of Fifty Dollars (\$50.00) on the retail sales of all-terrain vehicles

and motorcycles as defined in Section 63-21-5. The seller of an all-terrain vehicle or a motorcycle shall collect the fee from the purchaser at the time of sale and remit the fee to the Department of Revenue, which shall deposit the proceeds of the fees into the Mississippi Trauma Care Systems Fund created in Section 41-59-75.

(b) The seller of an all-terrain vehicle or a motorcycle shall provide a written statement to the purchaser, which may be printed on the sales receipt, that reads as follows: "\$50.00 of the amount that you paid for this vehicle will be used to fund the Mississippi Trauma Care System."

(2) (a) There is levied a fee of Fifty Dollars (\$50.00) on a resident of this state who purchases a new and not previously registered motorcycle in another state and brings the motorcycle into this state. The person shall pay the fee to the tax collector at the time of registering the motorcycle and applying for a license tag. The tax collector shall remit the fee to the Department of Revenue, which shall deposit the proceeds of the fee into the Mississippi Trauma Care Systems Fund created in Section 41-59-75.

(b) There is levied a fee of Fifty Dollars (\$50.00) on a resident of this state who purchases a new all-terrain vehicle in another state and brings the vehicle into this state. The person shall pay the fee to the Department of Revenue, which shall deposit the proceeds of the fee into the Mississippi Trauma Care Systems Fund created in Section 41-59-75.

(3) As used in this section, the term "all-terrain vehicle" shall not include vehicles designed for use as golf carts.

(4) All administrative provisions of the Mississippi Sales Tax Law, including those which fix damages, penalties and interest for nonpayment of taxes and for noncompliance with the provisions of such law, and all other requirements and duties imposed upon taxpayers, shall apply to all persons liable for the fees imposed by this section, and the Commissioner of Revenue shall exercise

all the power and authority and perform all the duties with respect to this section as are provided in the Sales Tax Law except where there is a conflict, then the provisions of this section prevail.

SECTION 10. Sections 8 and 9 of this act shall take effect and be in force from and after its passage, and the remaining sections of this act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

Senate Bill 2370

Description: Beer; authorize manufacture of beer of more than 5% by weight for sale in another state.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 501

History of Actions:

- 1 02/13 (S) Referred To Economic Development;Tourism
- 2 02/29 (S) DR - TSDP: EC To TO
- 3 03/01 (S) Title Suff Do Pass
- 4 03/12 (S) Passed
- 5 03/13 (S) Transmitted To House
- 6 03/14 (H) Referred To Ways and Means
- 7 04/02 (H) Title Suff Do Pass As Amended
- 8 04/04 (H) Amended
- 9 04/04 (H) Passed As Amended
- 10 04/05 (H) Returned For Concurrence
- 11 04/18 (S) Concurred in Amend From House
- 12 04/23 (S) Enrolled Bill Signed
- 13 04/23 (H) Enrolled Bill Signed
- 14 05/01 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2370

Code Section: A 067-0003-0001, A 067-0003-0005, A 067-0003-0007, A 067-0003-0013,
A 067-0003-0017, A 067-0003-0049, A 067-0001-0005

----- Additional Information -----

Senate Committee: Economic Development, Tourism

House Committee: Ways and Means

Principal Author: Moran

Additional Authors: Gollott, Jones, Tindell, Chassaniol, Horhn, Burton, Wiggins, Watson

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Moran, Gollott, Jones,
Tindell, Chassaniol, Horhn, Burton, Wiggins,
Watson

To: Economic Development;
Tourism

SENATE BILL NO. 2370
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 67-3-1, 67-3-5, 67-3-7, 67-3-13, 67-3-17 AND 67-3-49, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE TRANSPORTATION, STORAGE, SALE, DISTRIBUTION, POSSESSION, RECEIVING, AND/OR MANUFACTURING OF BEER OF AN ALCOHOLIC CONTENT OF MORE THAN 8% BY WEIGHT, IF THE BEER IS MANUFACTURED TO BE SOLD LEGALLY IN ANOTHER STATE AND IS TRANSPORTED OUTSIDE OF THIS STATE FOR RETAIL SALE; TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 67-3-1, Mississippi Code of 1972, as amended by Senate Bill No. 2878, 2012 Regular Session, is amended as follows:

67-3-1. The purpose of this chapter is to legalize the * * * sale within this state of light wines and beer * * *, to legalize the manufacture of beer, and to regulate the business of manufacturing and of selling light wines and beer so as to prevent the illicit manufacture, sale and consumption of alcoholic beverages as defined in Section 67-1-5, the manufacture and sale of which it is not the purpose of this chapter to legalize.

SECTION 2. Section 67-3-5, Mississippi Code of 1972, as amended by Senate Bill No. 2878, 2012 Regular Session, is amended as follows:

67-3-5. (1) It shall be lawful, subject to the provisions set forth in this chapter, in this state to transport, store, sell, distribute, possess, receive and/or manufacture wine and beer * * *, and it is hereby declared that it is the legislative intent that this chapter privileges the lawful sale and manufacture, within this state, of such light wines and beer. In determining if a wine product is "light wine," or contains an

alcoholic content of more than five percent (5%) by weight, or is not an "alcoholic beverage" as defined in the Local Option Alcoholic Beverage Control Law, Chapter 1 of Title 67, Mississippi Code of 1972, the alcoholic content of such wine product shall be subject to the same permitted tolerance as is allowed by the labeling requirements for light wine provided for in Section 27-71-509.

(2) Subject to the provisions set forth in this chapter, it shall be lawful in this state to transport, store, sell, distribute, possess, receive, and/or manufacture beer of an alcoholic content of more than eight percent (8%) by weight, if the beer is manufactured to be sold legally in another state and is transported outside of this state for retail sale.

SECTION 3. Section 67-3-7, Mississippi Code of 1972, as amended by Senate Bill No. 2878, 2012 Regular Session, is amended as follows:

67-3-7. (1) If any county, at an election held for the purpose under the election laws of the state, shall by a majority vote of the duly qualified electors voting in the election determine that the transportation, storage, sale, distribution, receipt and/or manufacture of wine and beer * * * shall not be permitted in such county, then the same shall not be permitted therein except as authorized under Section 67-9-1 and as may be otherwise authorized in this section. An election to determine whether such transportation, storage, sale, distribution, receipt and/or manufacture of such beverages shall be excluded from any county in the state, shall, on a petition of twenty percent (20%) of the duly qualified electors of such county, be ordered by the board of supervisors of the county, for such county only. No election on the question shall be held in any one county more often than once in five (5) years.

In counties which have elected, or may elect by a majority vote of the duly qualified electors voting in the election, that

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the transportation, storage, sale, distribution, receipt and/or manufacture of wine or beer * * * shall not be permitted in the county, an election may be held in the same manner as the election hereinabove provided on the question of whether or not the transportation, storage, sale, distribution, receipt and/or manufacture of said beverages shall be permitted in such county. Such election shall be ordered by the board of supervisors of such county on a petition of twenty percent (20%) of the duly qualified electors of such county. No election on this question can be ordered more often than once in five (5) years.

(2) Nothing in this section shall make it unlawful to possess beer or wine, as defined herein, in any municipality which has heretofore or which may hereafter vote in an election, pursuant to Section 67-3-9, in which a majority of the qualified electors vote in favor of permitting the sale and the receipt, storage and transportation for the purpose of sale of beer or wine as defined herein.

(3) Nothing in this section shall make it unlawful to:

(a) Possess or consume light wine or beer at a qualified resort area as defined in Section 67-1-5;

(b) Sell, distribute and transport light wine or beer to a qualified resort area as defined in Section 67-1-5;

(c) Sell light wine or beer at a qualified resort area as defined in Section 67-1-5 if such light wine or beer is sold by a person with a permit to engage in the business as a retailer of light wine or beer;

(d) Transport beer of an alcoholic content of more than eight percent (8%) by weight if it is being transported to another state for legal sale in that state.

SECTION 4. Section 67-3-13, Mississippi Code of 1972, as amended by Senate Bill No. 2878, 2012 Regular Session, is amended as follows:

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67-3-13. (1) Except as otherwise provided herein and as authorized under this section and Section 67-9-1, in any county which has at any time since February 26, 1934, elected, or which may hereafter elect, to prohibit the transportation, storage, sale, distribution, receipt and/or manufacture of wine and beer of an alcoholic content of not more than four percent (4%) by weight in such county, it is hereby declared to be unlawful to possess such beverages therein. In any county which, after July 1, 1998, elects to prohibit the transportation, storage, sale, distribution, receipt and/or manufacture of wine and beer of an alcoholic content of not more than five percent (5%) by weight in such county, it is hereby declared to be unlawful to possess such beer therein. In any county which, after July 1, 2012, elects to prohibit the transportation, storage, sale, distribution, receipt and/or manufacture of wine of an alcoholic content of not more than five percent (5%) by weight in such county and beer of an alcoholic content of not more than eight percent (8%) by weight, it is hereby declared to be unlawful to possess such beer therein. Any person found possessing any beer or wine of any quantity whatsoever in such county shall, on conviction, be imprisoned not more than ninety (90) days or fined not more than Five Hundred Dollars (\$500.00), or be both so fined and imprisoned.

(2) Notwithstanding the provisions of subsection (1) of this section, in any county or municipality in which the transportation, storage, sale, distribution, receipt and/or manufacture of light wine and beer is prohibited, it shall not be unlawful for a permitted wholesaler or distributor to possess light wine and beer when such light wine and beer is held therein solely for the purpose of storage and for distribution to other counties and municipalities in which possession of such beverages is lawful.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, in any county in which transportation,

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storage, sale, distribution, receipt and/or manufacture of light wine and beer is prohibited, it shall not be unlawful:

(a) To receive, store, possess or consume light wine or beer at a resort area as defined in Section 67-1-5;

(b) To distribute and transport light wine or beer to a resort area as defined in Section 67-1-5;

(c) To transport beer of an alcoholic content of more than eight percent (8%) by weight if it is being transported to another state for legal sale in that state.

SECTION 5. Section 67-3-17, Mississippi Code of 1972, as amended by Senate Bill No. 2878, 2012 Regular Session, is amended as follows:

67-3-17. Any person desiring to engage in any business taxable under Sections 27-71-303 through 27-71-317, Mississippi Code of 1972, either as a retailer, or as a wholesaler or distributor, or as a manufacturer, of light wines or beer, shall file with the commissioner an application for a permit allowing him to engage in such business. The application for a permit shall be filed on a blank to be furnished by the commissioner for that purpose, and shall contain a statement showing the name of the business, and if a partnership, firm or association, the name of each partner or member, and if a corporation the names of two (2) principal officers, the post office address, and the nature of business in which engaged. In case any business is conducted at two (2) or more separate places, a separate permit for each place of business shall be required.

The applicant, at the time of filing such application for a permit or license to engage in such business, shall also file with the commissioner an oath, duly subscribed and sworn to by him before an officer authorized to administer oaths, that he will not, except as otherwise authorized in this chapter, allow any alcoholic beverages as defined in Section 67-1-5, * * * any beer having an alcoholic content of more than eight percent (8%) by

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weight or any wine, having an alcoholic content of more than five percent (5%) by weight, to be kept, stored or secreted in or on the premises described in such permit or license, and that the applicant will not otherwise violate any law of this state, or knowingly allow any other person to violate any such law, while in or on such premises.

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 6. Section 67-3-49, Mississippi Code of 1972, as amended by Senate Bill No. 2878, 2012 Regular Session, is amended as follows:

67-3-49. (1) Except as otherwise provided in this section, it shall be unlawful for any brewer or manufacturer or distributor or wholesale dealer of or in light wines and/or beer to manufacture or knowingly bring upon his premises or keep thereon any * * * wine of an alcoholic content of more than five percent (5%) by weight and beer of an alcoholic content of more than eight percent (8%) by weight, or any distilled spirits of any alcoholic content whatsoever. Any person that shall add to or mix with any beer or light wine any alcoholic or other liquid, or any alcohol cube or cubes, or any other ingredient or ingredients that will increase or tend to increase the alcoholic content of such liquor, or any person that shall knowingly offer for sale any liquor so treated, shall be guilty of a misdemeanor and punished as hereinafter provided in this chapter. The commissioner shall take any action he considers necessary to ensure that light wine and/or beer manufactured at a brewpub complies with the provisions of this section.

(2) A brewer or manufacturer of light wine or beer may manufacture and keep upon his premises beer of an alcoholic content of more than eight percent (8%) by weight if the beer is manufactured for legal sale in another state.

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SECTION 7. Section 67-1-5, Mississippi Code of 1972, as amended by Senate Bill No. 2878, 2012 Regular Session, is amended as follows:

67-1-5. For the purposes of this chapter and unless otherwise required by the context:

(a) "Alcoholic beverage" means any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include light wine * * * and * * * beer * * *, as defined in Section 67-3-3, Mississippi Code of 1972, but shall include native wines. The words "alcoholic beverage" shall not include ethyl alcohol manufactured or distilled solely for fuel purposes or beer of an alcoholic content of more than eight percent (8%) by weight if the beer is legally manufactured in this state for sale in another state.

(b) "Alcohol" means the product of distillation of any fermented liquid, whatever the origin thereof, and includes synthetic ethyl alcohol, but does not include denatured alcohol or wood alcohol.

(c) "Distilled spirits" means any beverage containing more than four percent (4%) of alcohol by weight produced by distillation of fermented grain, starch, molasses or sugar, including dilutions and mixtures of these beverages.

(d) "Wine" or "vinous liquor" means any product obtained from the alcoholic fermentation of the juice of sound, ripe grapes, fruits or berries and made in accordance with the revenue laws of the United States.

(e) "Person" means and includes any individual, partnership, corporation, association or other legal entity whatsoever.

(f) "Manufacturer" means any person engaged in manufacturing, distilling, rectifying, blending or bottling any alcoholic beverage.

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(g) "Wholesaler" means any person, other than a manufacturer, engaged in distributing or selling any alcoholic beverage at wholesale for delivery within or without this state when such sale is for the purpose of resale by the purchaser.

(h) "Retailer" means any person who sells, distributes, or offers for sale or distribution, any alcoholic beverage for use or consumption by the purchaser and not for resale.

(i) "State Tax Commission," "commission" or "department" means the Department of Revenue of the State of Mississippi, which shall create a division in its organization to be known as the Alcoholic Beverage Control Division. Any reference to the commission or the department hereafter means the powers and duties of the Department of Revenue with reference to supervision of the Alcoholic Beverage Control Division.

(j) "Division" means the Alcoholic Beverage Control Division of the Department of Revenue.

(k) "Municipality" means any incorporated city or town of this state.

(l) "Hotel" means an establishment within a municipality, or within a qualified resort area approved as such by the department, where, in consideration of payment, food and lodging are habitually furnished to travelers and wherein are located at least twenty (20) adequately furnished and completely separate sleeping rooms with adequate facilities that persons usually apply for and receive as overnight accommodations. Hotels in towns or cities of more than twenty-five thousand (25,000) population are similarly defined except that they must have fifty (50) or more sleeping rooms. Any such establishment described in this paragraph with less than fifty (50) beds shall operate one or more regular dining rooms designed to be constantly frequented by customers each day. When used in this chapter, the word "hotel" shall also be construed to include any establishment that meets

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the definition of "bed and breakfast inn" as provided in this section.

(m) "Restaurant" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which has suitable seating facilities for guests, and which has suitable kitchen facilities connected therewith for cooking an assortment of foods and meals commonly ordered at various hours of the day; the service of such food as sandwiches and salads only shall not be deemed in compliance with this requirement. No place shall qualify as a restaurant under this chapter unless twenty-five percent (25%) or more of the revenue derived from such place shall be from the preparation, cooking and serving of meals and not from the sale of beverages, or unless the value of food given to and consumed by customers is equal to twenty-five percent (25%) or more of total revenue.

(n) "Club" means an association or a corporation:

(i) Organized or created under the laws of this state for a period of five (5) years prior to July 1, 1966;

(ii) Organized not primarily for pecuniary profit but for the promotion of some common object other than the sale or consumption of alcoholic beverages;

(iii) Maintained by its members through the payment of annual dues;

(iv) Owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests;

(v) The affairs and management of which are conducted by a board of directors, board of governors, executive committee, or similar governing body chosen by the members at a regular meeting held at some periodic interval; and

(vi) No member, officer, agent or employee of which is paid, or directly or indirectly receives, in the form of

a salary or other compensation any profit from the distribution or sale of alcoholic beverages to the club or to members or guests of the club beyond such salary or compensation as may be fixed and voted at a proper meeting by the board of directors or other governing body out of the general revenues of the club.

The department may, in its discretion, waive the five-year provision of this paragraph. In order to qualify under this paragraph, a club must file with the department, at the time of its application for a license under this chapter, two (2) copies of a list of the names and residences of its members and similarly file, within ten (10) days after the election of any additional member, his name and address. Each club applying for a license shall also file with the department at the time of the application a copy of its articles of association, charter of incorporation, bylaws or other instruments governing the business and affairs thereof.

(o) "Qualified resort area" means any area or locality outside of the limits of incorporated municipalities in this state commonly known and accepted as a place which regularly and customarily attracts tourists, vacationists and other transients because of its historical, scenic or recreational facilities or attractions, or because of other attributes which regularly and customarily appeal to and attract tourists, vacationists and other transients in substantial numbers; however, no area or locality shall so qualify as a resort area until it has been duly and properly approved as such by the department.

(i) The department may approve an area or locality outside of the limits of an incorporated municipality that is in the process of being developed as a qualified resort area if such area or locality, when developed, can reasonably be expected to meet the requisites of the definition of the term "qualified resort area." In such a case, the status of qualified resort area shall not take effect until completion of the development.

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(ii) The term includes any state park which is declared a resort area by the department; however, such declaration may only be initiated in a written request for resort area status made to the department by the Executive Director of the Department of Wildlife, Fisheries and Parks, and no permit for the sale of any alcoholic beverage, as defined in this chapter, except an on-premises retailer's permit, shall be issued for a hotel, restaurant or bed and breakfast inn in such park.

(iii) The term includes:

1. The clubhouses associated with the state park golf courses at the Lefleur's Bluff State Park, the John Kyle State Park, the Percy Quin State Park and the Hugh White State Park;

2. The clubhouse and associated golf course where the golf course is adjacent to one or more planned residential developments and the golf course and all such developments collectively include at least seven hundred fifty (750) acres and at least four hundred (400) residential units;

3. Any facility located on property that is a game reserve with restricted access that consists of at least three thousand (3,000) contiguous acres with no public roads and that offers as a service hunts for a fee to overnight guests of the facility;

4. Any facility located on federal property surrounding a lake and designated as a recreational area by the United States Army Corps of Engineers that consists of at least one thousand five hundred (1,500) acres;

5. Any facility that is located in a municipality that is bordered by the Pearl River, traversed by Mississippi Highway 25, adjacent to the boundaries of the Jackson International Airport and is located in a county which has voted against coming out from under the dry law; however, any such

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facility may only be located in areas designated by the governing authorities of such municipality;

6. Any municipality with a population in excess of ten thousand (10,000) according to the latest federal decennial census that is located in a county that is bordered by the Pearl River and is not traversed by Interstate Highway 20, with a population in excess of forty-five thousand (45,000) according to the latest federal decennial census;

7. The West Pearl Restaurant Tax District as defined in Chapter 912, Local and Private Laws of 2007.

The status of these municipalities, districts, clubhouses, facilities and golf courses described in subparagraph (iii) of this paragraph (o) as qualified resort areas does not require any declaration of same by the department.

(p) "Native wine" means any product, produced in Mississippi for sale, having an alcohol content not to exceed twenty-one percent (21%) by weight and made in accordance with revenue laws of the United States, which shall be obtained primarily from the alcoholic fermentation of the juice of ripe grapes, fruits, berries or vegetables grown and produced in Mississippi; provided that bulk, concentrated or fortified wines used for blending may be produced without this state and used in producing native wines. The department shall adopt and promulgate rules and regulations to permit a producer to import such bulk and/or fortified wines into this state for use in blending with native wines without payment of any excise tax that would otherwise accrue thereon.

(q) "Native winery" means any place or establishment within the State of Mississippi where native wine is produced in whole or in part for sale.

(r) "Bed and breakfast inn" means an establishment within a municipality where in consideration of payment, breakfast and lodging are habitually furnished to travelers and wherein are

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located not less than eight (8) and not more than nineteen (19) adequately furnished and completely separate sleeping rooms with adequate facilities, that persons usually apply for and receive as overnight accommodations; however, such restriction on the minimum number of sleeping rooms shall not apply to establishments on the National Register of Historic Places. No place shall qualify as a bed and breakfast inn under this chapter unless on the date of the initial application for a license under this chapter more than fifty percent (50%) of the sleeping rooms are located in a structure formerly used as a residence.

(s) "Board" shall refer to Board of Tax Appeals of the State of Mississippi.

(t) "Spa facility" means an establishment within a municipality or qualified resort area and owned by a hotel where, in consideration of payment, patrons receive from licensed professionals a variety of private personal care treatments such as massages, facials, waxes, exfoliation and hairstyling.

(u) "Art studio or gallery" means an establishment within a municipality or qualified resort area that is in the sole business of allowing patrons to view and/or purchase paintings and other creative artwork.

(v) "Cooking school" means an establishment within a municipality or qualified resort area and owned by a nationally recognized company that offers an established culinary education curriculum and program where, in consideration of payment, patrons are given scheduled professional group instruction on culinary techniques. For purposes of this paragraph, the definition of cooking school shall not include schools or classes offered by grocery stores, convenience stores or drugstores.

SECTION 8. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2376

Description: Voyeurism; create felony offense when victim is under 16.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 557

History of Actions:

- 1 02/13 (S) Referred To Judiciary, Division B
- 2 03/01 (S) Title Suff Do Pass
- 3 03/07 (S) Passed
- 4 03/08 (S) Transmitted To House
- 5 03/21 (H) Referred To Judiciary B
- 6 03/29 (H) Title Suff Do Pass As Amended
- 7 04/05 (H) Amended
- 8 04/05 (H) Passed As Amended
- 9 04/09 (H) Returned For Concurrence
- 10 04/25 (S) Decline to Concur/Invite Conf
- 11 04/27 (S) Conferees Named Bryan,McDaniel,Turner
- 12 04/27 (H) Conferees Named Gipson,DeBar,White
- 13 04/28 (S) Conference Report Filed
- 14 04/28 (H) Conference Report Filed
- 15 04/29 (H) Conference Report Adopted
- 16 05/02 (S) Conference Report Adopted
- 17 05/09 (S) Enrolled Bill Signed
- 18 05/09 (H) Enrolled Bill Signed
- 19 05/22 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2376

Conference Reports:

Conference Report

Code Section: A 097-0029-0061, A 097-0029-0063, A 045-0033-0023

----- Additional Information -----

Senate Committee: Judiciary, Division B

House Committee: Judiciary B

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Principal Author: Wiggins

Additional Authors: McDaniel, Smith, Massey, Doty, Tollison, Ward, Watson, Polk, Clarke, Gandy, Gollott, Harkins, Hill, Hudson, Jackson (15th), Longwitz, Moran, Simmons (12th), Tindell

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Wiggins, McDaniel, Smith,
Massey, Doty, Tollison, Ward, Watson, Polk,
Clarke, Gandy, Gollott, Harkins, Hill,
Hudson, Jackson (15th), Longwitz, Moran,
Simmons (12th), Tindell

To: Judiciary, Division B

SENATE BILL NO. 2376

AN ACT TO AMEND SECTION 97-29-61, MISSISSIPPI CODE OF 1972, TO CREATE A FELONY LEVEL OF THE OFFENSE OF VOYEURISM WHEN THE VICTIM IS A CHILD UNDER A CERTAIN AGE; TO AMEND SECTION 97-29-63, MISSISSIPPI CODE OF 1972, TO CREATE A FELONY LEVEL OF THE OFFENSE OF PHOTOGRAPHING OR FILMING ANOTHER WITHOUT PERMISSION WHEN THE VICTIM IS A CHILD UNDER A CERTAIN AGE; TO AMEND SECTION 45-33-23, MISSISSIPPI CODE OF 1972, TO CONFORM THE DEFINITION OF SEX OFFENSE UNDER THE SEX OFFENDER REGISTRATION LAW FOR THE PURPOSES OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-29-61, Mississippi Code of 1972, is amended as follows:

97-29-61. (1) Any person who enters upon real property whether the original entry is legal or not, and thereafter pries or peeps through a window or other opening in a dwelling or other building structure for the lewd, licentious and indecent purpose of spying upon the occupants thereof, shall be guilty of a felonious trespass, and upon conviction shall be imprisoned in the custody of the Department of Corrections not more than five (5) years.

(2) When one or more occupants spied upon is a child under sixteen (16) years of age, a person who violates subsection (1) of this section shall be guilty of felonious trespass, and upon conviction shall be imprisoned in the custody of the Department of Corrections not more than ten (10) years.

SECTION 2. Section 97-29-63, Mississippi Code of 1972, is amended as follows:

97-29-63. (1) Any person who with lewd, licentious or indecent intent secretly photographs, films, videotapes, records or otherwise reproduces the image of another person without the

permission of such person when such a person is located in a place where a person would intend to be in a state of undress and have a reasonable expectation of privacy, including, but not limited to, private dwellings or any facility, public or private, used as a restroom, bathroom, shower room, tanning booth, locker room, fitting room, dressing room or bedroom shall be guilty of a felony and upon conviction shall be punished by a fine of Five Thousand Dollars (\$5,000.00) or by imprisonment of not more than five (5) years in the custody of the Department of Corrections, or both.

(2) Where the person who is secretly photographed, filmed, videotaped or otherwise reproduced is a child under sixteen (16) years of age, a person who violates subsection (1) of this section shall be guilty of a felony and upon conviction shall be punished by a fine of Five Thousand Dollars (\$5,000.00) or by imprisonment of not more than ten (10) years in the custody of the Department of Corrections, or both.

SECTION 3. Section 45-33-23, Mississippi Code of 1972, is amended as follows:

45-33-23. For the purposes of this chapter, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Conviction" shall mean that, regarding the person's offense, there has been a determination or judgment of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere regardless of whether adjudication is withheld. "Conviction of similar offenses" includes, but is not limited to, a conviction by a federal or military tribunal, including a court-martial conducted by the Armed Forces of the United States, a conviction for an offense committed on an Indian Reservation or other federal property, a conviction in any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands or the United States Virgin Islands, and a conviction in a foreign country if

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the foreign country's judicial system is such that it satisfies minimum due process set forth in the guidelines under Section 111(5)(B) Public Law 109-248.

(b) "Jurisdiction" means any court or locality including any state court, federal court, military court, Indian tribunal or foreign court, the fifty (50) states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands or the United States Virgin Islands, and Indian tribes that elect to function as registration jurisdictions under Title 1, SORNA Section 127 of the Adam Walsh Child Safety Act.

(c) "Permanent residence" is defined as a place where the person abides, lodges, or resides for a period of fourteen (14) or more consecutive days.

(d) "Registration" means providing information to the appropriate agency within the time frame specified as required by this chapter.

(e) "Registration duties" means obtaining the registration information required on the form specified by the department as well as the photograph, fingerprints and biological sample of the registrant. Biological samples are to be forwarded to the State Crime Laboratory pursuant to Section 45-33-37; the photograph, fingerprints and other registration information are to be forwarded to the Department of Public Safety immediately.

(f) "Responsible agency" is defined as the person or government entity whose duty it is to obtain information from a criminal sex offender upon conviction and to transmit that information to the Mississippi Department of Public Safety.

(i) For a criminal sex offender being released from the custody of the Department of Corrections, the responsible agency is the Department of Corrections.

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(ii) For a criminal sex offender being released from a county jail, the responsible agency is the sheriff of that county.

(iii) For a criminal sex offender being released from a municipal jail, the responsible agency is the police department of that municipality.

(iv) For a sex offender in the custody of youth court, the responsible agency is the youth court.

(v) For a criminal sex offender who is being placed on probation, including conditional discharge or unconditional discharge, without any sentence of incarceration, the responsible agency is the sentencing court.

(vi) For an offender who has been committed to a mental institution following an acquittal by reason of insanity, the responsible agency is the facility from which the offender is released. Specifically, the director of said facility shall notify the Department of Public Safety prior to the offender's release.

(vii) For a criminal sex offender who is being released from a jurisdiction outside this state or who has a prior conviction in another jurisdiction and who is to reside, work or attend school in this state, the responsible agency is both the sheriff of the proposed county of residence and the department.

(g) "Sex offense" or "registrable offense" means any of the following offenses:

(i) Section 97-3-53 relating to kidnapping, if the victim was below the age of eighteen (18);

(ii) Section 97-3-65 relating to rape; however, conviction or adjudication under Section 97-3-65(1)(a) when the offender was eighteen (18) years of age or younger at the time of the alleged offense, shall not be a registrable sex offense;

(iii) Section 97-3-71 relating to rape and assault with intent to ravish;

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(iv) Section 97-3-95 relating to sexual battery; however, conviction or adjudication under Section 97-3-95(1)(c) when the offender was eighteen (18) years of age or younger at the time of the alleged offense, shall not be a registrable sex offense;

(v) Section 97-5-5 relating to enticing a child for concealment, prostitution or marriage;

(vi) Section 97-5-23 relating to the touching of a child, mentally defective or incapacitated person or physically helpless person for lustful purposes;

(vii) Section 97-5-27 relating to the dissemination of sexually oriented material to children;

(viii) Section 97-5-33 relating to the exploitation of children;

(ix) Section 97-5-41 relating to the carnal knowledge of a stepchild, adopted child or child of a cohabiting partner;

(x) Section 97-29-59 relating to unnatural intercourse;

(xi) Section 97-1-7 relating to attempt to commit any of the above-referenced offenses;

(xii) Section 43-47-18 relating to sexual abuse of a vulnerable adult;

(xiii) Section 97-3-54.1(1)(c) relating to procuring sexual servitude of a minor;

(xiv) Section 97-29-61(2) relating to voyeurism when the victim is a child under sixteen (16) years of age;

(xv) Section 97-29-63 relating to filming another without permission where there is an expectation of privacy;

(xvi) Section 97-29-45 relating to obscene electronic communication;

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(xvii) Section 97-3-104 relating to the crime of sexual activity between law enforcement, correctional or custodial personnel and prisoners;

(xviii) Section 97-5-39(1)(c) relating to contributing to the neglect or delinquency of a child, felonious abuse or battery of a child, if the victim was sexually abused;

(xix) Any other offense resulting in a conviction in another jurisdiction which, if committed in this state, would be deemed to be such a crime without regard to its designation elsewhere;

(xx) Any offense resulting in a conviction in another jurisdiction for which registration is required in the jurisdiction where the conviction was had;

(xxi) Any conviction of conspiracy to commit, accessory to commission, or attempt to commit any offense listed in this section;

(xxii) Capital murder when one (1) of the above-described offenses is the underlying crime.

(h) "Temporary residence" is defined as any place where the person abides, lodges, or resides for a period of seven (7) or more consecutive days which is not the person's permanent residence.

(i) "Department" unless otherwise specified is defined as the Mississippi Department of Public Safety.

SECTION 4. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2429

Description: Public Service Commission; extend repealer on.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 542

History of Actions:

- 1 02/16 (S) Referred To Energy
- 2 02/29 (S) Title Suff Do Pass Comm Sub
- 3 03/07 (S) Committee Substitute Adopted
- 4 03/07 (S) Passed
- 5 03/08 (S) Transmitted To House
- 6 03/21 (H) Referred To Public Utilities
- 7 03/28 (H) Title Suff Do Pass As Amended
- 8 04/04 (H) Amended
- 9 04/04 (H) Passed As Amended
- 10 04/04 (H) Motion to Reconsider Entered (Broomfield, Beckett, McGee)
- 11 04/05 (H) Motion to Reconsider Tabled
- 12 04/05 (H) Returned For Concurrence
- 13 04/19 (S) Decline to Concur/Invite Conf
- 14 04/24 (S) Conferees Named Flowers, Polk, Ward
- 15 04/26 (H) Conferees Named Beckett, Read, Shows
- 16 04/27 (H) Conference Report Filed
- 17 04/27 (S) Conference Report Filed
- 18 04/28 (H) Conference Report Adopted
- 19 05/02 (S) Conference Report Adopted
- 20 05/07 (S) Enrolled Bill Signed
- 21 05/08 (H) Enrolled Bill Signed
- 22 05/22 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2429

Conference Reports:

Conference Report

Code Section: R 077-0001-0001, R 077-0001-0003, R 077-0001-0005, R 077-0001-0006,
R 077-0001-0011, R 077-0001-0015, R 077-0001-0017, R 077-0001-0019,
R 077-0001-0021, R 077-0001-0025, R 077-0001-0027, R 077-0001-0029,
R 077-0001-0031, R 077-0001-0033, R 077-0001-0035, R 077-0001-0037,
R 077-0001-0039, R 077-0001-0041, R 077-0001-0043, R 077-0001-0047,

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R 077-0001-0049, A 077-0001-0051

----- Additional Information -----

Senate Committee: Energy

House Committee: Public Utilities

Principal Author: Flowers

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Flowers

To: Energy

SENATE BILL NO. 2429
(As Sent to Governor)

AN ACT TO REENACT SECTIONS 77-1-1, 77-1-3, 77-1-5, 77-1-6, 77-1-11, 77-1-15, 77-1-17, 77-1-19, 77-1-21, 77-1-25, 77-1-27, 77-1-29, 77-1-31, 77-1-33, 77-1-35, 77-1-37, 77-1-39, 77-1-41, 77-1-43, 77-1-47 AND 77-1-49, MISSISSIPPI CODE OF 1972, WHICH CREATE THE PUBLIC SERVICE COMMISSION AND PRESCRIBE ITS POWERS AND DUTIES; TO AMEND SECTION 77-1-51, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THOSE SECTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 77-1-1, Mississippi Code of 1972, is reenacted as follows:

77-1-1. A public service commission, hereinafter referred to in this chapter as the commission, is hereby created, consisting of three (3) members, one (1) to be elected from each of the three (3) Supreme Court districts by the qualified electors of such district. Elections for such officers shall be held in the general election in November 1959, and every four (4) years thereafter, and the terms of office of the three (3) commissioners elected at the general election in November 1959 shall expire on December 31, 1963.

The commissioners shall each receive a yearly salary fixed by the Legislature, payable monthly.

The commissioners shall each possess the qualifications prescribed for the Secretary of State. The commissioners shall not operate, own any stock in, or be in the employment of any common or contract carrier by motor vehicle, telephone company, gas or electric utility company, or any other public utility that shall come under their jurisdiction or supervision.

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SECTION 2. Section 77-1-3, Mississippi Code of 1972, is reenacted as follows:

77-1-3. The commission shall have a seal, having around the margin the words "Mississippi Public Service Commission," and in the center such device as it may select. The acts of the commission shall be authenticated by its seal.

SECTION 3. Section 77-1-5, Mississippi Code of 1972, is reenacted as follows:

77-1-5. The commission shall keep an office in the City of Jackson, which shall be kept open Monday through Friday of each week for eight (8) hours each day. The commission shall meet at its office on the first Tuesday of each month and at such other times and places as its duties may require. The commission may sit from day to day and from time to time, and any meeting may be pretermitted not exceeding two (2) in any year.

The members of the commission shall devote their entire time to the performance of their official duties on every business day, except on the legal holidays enumerated in Section 3-3-7, Mississippi Code of 1972. However, official acts of the commission done on legal holidays shall be valid.

The commission shall keep regular minutes of its proceedings, which shall be a public record, and all orders, findings and acts of the commission shall be entered on the minutes.

Two (2) members of the commission shall be a quorum.

SECTION 4. Section 77-1-6, Mississippi Code of 1972, is reenacted as follows:

77-1-6. There is hereby established in the State Treasury a special fund to be known as the "Public Service Commission Regulation Fund." Such fund shall be the sole fund of the commission for all monies collected and deposited to the credit of or appropriated to the commission. The fund shall be administered as provided in this title and shall be audited annually by the State Auditor.

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SECTION 5. Section 77-1-11, Mississippi Code of 1972, is reenacted as follows:

77-1-11. (1) It shall be unlawful for any public service commissioner, any candidate for public service commissioner, or any employee of the Public Service Commission or Public Utilities Staff to knowingly accept any gift, pass, money, campaign contribution or any emolument or other pecuniary benefit whatsoever, either directly or indirectly, from any person interested as owner, agent or representative, or from any person acting in any respect for such owner, agent or representative of any common or contract carrier by motor vehicle, telephone company, gas or electric utility company, or any other public utility that shall come under the jurisdiction or supervision of the Public Service Commission. Any person found guilty of violating the provisions of this subsection shall immediately forfeit his or her office or position and shall be fined not less than Five Thousand Dollars (\$5,000.00), imprisoned in the State Penitentiary for not less than one (1) year, or both.

(2) It shall be unlawful for any person interested as owner, agent or representative, or any person acting in any respect for such owner, agent or representative of any common or contract carrier by motor vehicle, telephone company, gas or electric utility, or any other public utility that shall come under the jurisdiction or supervision of the Public Service Commission to offer any gift, pass, money, campaign contribution or any emolument or other pecuniary benefit whatsoever to any public service commissioner, any candidate for public service commissioner or any employee of the Public Service Commission or Public Utilities Staff. Any party found guilty of violating the provisions of this subsection shall be fined not less than Five Thousand Dollars (\$5,000.00), or imprisoned in the State Penitentiary for not less than one (1) year, or both.

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(3) For purposes of this section the term "emolument" shall include salary, donations, contributions, loans, stock tips, vacations, trips, honorarium, directorships or consulting posts. Expenses associated with social occasions afforded public servants shall not be deemed a gift, emolument or other pecuniary benefit as defined in Section 25-4-103(k), Mississippi Code of 1972.

(4) For purposes of this section, a person who is a member of a water, gas, electric or other cooperative association regulated by the Public Service Commission shall not, by virtue of such membership, be deemed an owner, agent or representative of such association unless such person is acting in any respect for or as an owner, agent or representative of such association; nor shall a person who owns less than one-half of one percent ($1/2$ of 1%) in stock, the value thereof not to exceed Ten Thousand Dollars (\$10,000.00), of any public utility that is regulated by the Public Service Commission, or of any holding company of such public utility, by virtue of such ownership, be deemed an owner, agent or representative of such public utility unless such person is acting in any respect for or as an owner, agent or representative of such public utility.

SECTION 6. Section 77-1-15, Mississippi Code of 1972, is reenacted as follows:

77-1-15. (1) There shall be an executive secretary of the commission, hereinafter referred to in this chapter as the secretary, to be appointed by the commission, by and with the advice and consent of the Senate, for the term of the commissioners. The secretary must have the same qualifications as the commissioners and shall be subject to the same disqualifications and to like penalties, except that he shall not be liable to impeachment. He shall receive a salary fixed by the Legislature. He shall take the oath of office and shall be removable at the pleasure of the commission, which may fill any vacancy until the Senate confirms a successor. The secretary

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shall make bond as provided for other state officers, in the sum of Ten Thousand Dollars (\$10,000.00), conditioned upon the faithful performance of the duties of his office.

(2) The secretary shall collect all fees and penalties collected by or paid to the commission, and shall cover the same into the State Treasury; and all fees and penalties collected under the Mississippi Motor Carrier Regulatory Law of 1938 shall be covered into the Public Service Commission Regulation Fund.

(3) The secretary of the commission shall be the custodian of all records, documents, and the seal of the commission. He shall issue all citations, subpoenas and other rightful orders and documents, and perform all other duties usually required of such officer, and as required by the commission.

(4) It shall be the duty and responsibility of the secretary to supervise and manage the offices and staff of the Public Service Commission and formulate written policies and procedures for the effective and efficient operation of the office and present these policies and procedures to the board for promulgation.

SECTION 7. Section 77-1-17, Mississippi Code of 1972, is reenacted as follows:

77-1-17. The commission is hereby authorized to employ for the term of the commissioners a competent rate expert at a salary fixed by the commission, and an assistant rate expert at a salary fixed by the commission, for the collection of data and evidence for the use of the state in protecting the interest of the state involving duties and obligations of all common carriers, all common carriers by motor vehicle, all restricted common carriers by motor vehicle, and all contract carriers by motor vehicle, and for the establishment of proof in litigation now pending or which may hereafter be instituted.

The rate expert and his assistant shall make all needed investigations affecting rates and rate making and shall perform

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such other duties as the commission may find necessary for them to do in the interest of the state.

Said duties shall also include the checking and investigating of the filing of rate schedules with the commission, and making of reports to the commission respecting tariffs filed by any of the above-mentioned carriers with the commission involving the increase of any rates for movements within the State of Mississippi, and the general checking and reports to the commission affecting any rates increased from points without the State of Mississippi to points within the State of Mississippi, and from points in the State of Mississippi to points without the State of Mississippi. Said rate experts may be discharged by the commission for incompetency or other good cause, but they shall have notice and an opportunity to be heard in respect to any charge for removal.

SECTION 8. Section 77-1-19, Mississippi Code of 1972, is reenacted as follows:

77-1-19. The commission is authorized to employ the following additional employees to carry out and enforce the provisions of the Motor Carrier Regulatory Law of 1938:

- (a) An assistant secretary and two (2) stenographer-clerks;
- (b) One (1) combined bookkeeper and stenographer;
- (c) One (1) stenographer competent to serve as a reporter of evidence taken before the commission; and
- (d) Twelve (12) additional employees, which includes seven (7) employees to be transferred from the utility department to the motor carrier department to perform the duties of the commission imposed upon it by the provisions of said Motor Carrier Regulatory Law.

SECTION 9. Section 77-1-21, Mississippi Code of 1972, is reenacted as follows:

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77-1-21. (1) For the purpose of enforcing the provisions of the Mississippi Motor Carrier Regulatory Law of 1938, the Mississippi Department of Transportation is authorized to employ, in addition to personnel already employed by the department, one (1) chief enforcement officer and twenty-one (21) inspectors, who shall be under the management of the department. The chief enforcement officer and the inspectors shall devote their full time to the performance of their duties and shall take an oath faithfully to perform the duties of their position. The department shall require bonds to be carried on such employees as the department may deem necessary, the cost thereof to be paid by the department. The chief enforcement officer and inspectors shall be qualified by experience and training in law enforcement or investigative work, and shall attend and satisfactorily complete an appropriate course of instruction established by the Commissioner of Public Safety at the Law Enforcement Officers Training Academy. The chief enforcement officer and the inspectors referred to in this section shall be selected after an examination as to physical and mental fitness. Such employees shall be citizens of the United States and the State of Mississippi, and of good moral character. All such members of staff shall be appointed by the Mississippi Department of Transportation and shall be subject to removal at any time by the department.

(2) The Public Service Commission shall transfer all employees, equipment, inventory and resources of the commission employed and used to enforce the Motor Carrier Regulatory Law of 1938 to the Mississippi Department of Transportation on July 1, 2004. The transfer of personnel shall be commensurate with the number and classification of positions allocated to that law enforcement. The transfer also shall include direct support, clerical, data processing and communications positions allocated to that law enforcement.

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(3) The Public Service Commission shall transfer to the Mississippi Department of Transportation each year the amount of funds necessary to support the law enforcement functions being performed for the commission by the department, as specified in the appropriation bill for the Public Service Commission.

(4) Any reference in any statute, rule or regulation to law enforcement duties being performed by the Public Service Commission shall be construed to mean law enforcement duties being performed for the commission by the Mississippi Department of Transportation.

SECTION 10. Section 77-1-25, Mississippi Code of 1972, is reenacted as follows:

77-1-25. No member of the staff of the commission, or any other person, shall use uniforms, material, or equipment of the commission for private or political purposes. Members of the staff of the commission may be candidates for political office but must take a leave of absence to do so. Members of the staff of the commission may take part in political campaigns other than campaigns for Public Service Commission but may not solicit or receive campaign contributions from regulated utilities. Anyone violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by law and shall be dismissed from the staff of the commission.

SECTION 11. Section 77-1-27, Mississippi Code of 1972, is reenacted as follows:

77-1-27. All commission employees provided for in this chapter, and the reasonable and necessary expenses of the administration of the duties imposed on the commission by the Motor Carrier Regulatory Law of 1938, shall be paid out of the appropriations made to defray the expenses of the commission, upon requisitions and warrants in the same manner provided by law for the disbursements of appropriations for the commission. An

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itemized account shall be kept of all receipts and expenditures and shall be reported to the Legislature by the commission.

SECTION 12. Section 77-1-29, Mississippi Code of 1972, is reenacted as follows:

77-1-29. On or before the twentieth day of each calendar month, the commission shall pay into the State Treasury to the account of the "Public Service Commission Regulation Fund" all monies collected by it during the preceding calendar month, showing from whom collected, when collected and for what purposes collected. All disbursements made by the commission or from the regulation fund for any purposes, other than for salaries provided by law, shall be supported by a detailed and itemized statement approved by the commission for commission disbursements. The commission shall not expend funds from the "Public Service Commission Regulation Fund" to employ personnel whose services would duplicate services provided by any employee of the Public Utilities Staff.

SECTION 13. Section 77-1-31, Mississippi Code of 1972, is reenacted as follows:

77-1-31. The commission shall keep a docket of petitions and complaints, which shall be entered in regular order. The docket shall be called at each regular meeting of the board, and the cases thereon disposed of, or, if necessary, continued until the next meeting.

SECTION 14. Section 77-1-33, Mississippi Code of 1972, is reenacted as follows:

77-1-33. In any matter of inquiry pending before the commission or any member thereof, subpoenas for witnesses, and subpoenas duces tecum, may be issued by the secretary, under seal, or by any member without the seal, and shall be executed and returned by any sheriff, constable, or marshal, under the like penalties of law for failure to execute and return the process of the circuit court. If any person duly summoned to appear and

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testify before the commission, or before any one or more of the commissioners, shall fail or refuse to appear and testify, or to bring and produce, as commanded, any book, paper, or document, without a lawful excuse, or shall refuse to answer any proper question propounded to him by the commission or any of the commissioners, or if any person shall obstruct the commission, or one or more of the commissioners in the discharge of duty, or shall conduct himself in a rude, disrespectful, or disorderly manner before the commission deliberating in the discharge of duty, such witness or person shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned in the county jail for a period not exceeding six (6) months, or both.

SECTION 15. Section 77-1-35, Mississippi Code of 1972, is reenacted as follows:

77-1-35. The several members of the commission and the secretary may, in the discharge of their duties, administer oaths and take affidavits. The commission and each member thereof may examine witnesses under oath in all matters coming before them. If any person shall testify falsely, or make any false affidavit or oath before the commission, or before any of the commissioners, or before any officer, to any matter coming before the commission, he shall be guilty of perjury, and, upon conviction, shall be punished according to law.

SECTION 16. Section 77-1-37, Mississippi Code of 1972, is reenacted as follows:

77-1-37. Witnesses summoned to appear before the commission shall be entitled to the same per diem and mileage as witnesses attending the circuit court. Witnesses summoned by the commission on its behalf shall be paid as are other expenditures of the commission, upon the certificate of the commission showing the amount to which such witness may be entitled. Witnesses summoned for any carrier shall be paid by it.

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SECTION 17. Section 77-1-39, Mississippi Code of 1972, is reenacted as follows:

77-1-39. In all cases where the testimony of witnesses is given orally before the commission any interested party or the commission shall have the right to have said testimony taken down and transcribed by a stenographer or court reporter, who is not an employee of the commission, to be agreed upon by the parties or appointed by the commission. The stenographer or court reporter so employed shall be duly sworn and his or her certificate that the transcript of such evidence is correct together with the official certificate of any one (1) of the commissioners that he has read the same and that it is in his opinion correct shall entitle such transcript or a certified copy thereof to be received in evidence on any appeal or in any court in this state subject only to any objection that the same is not relevant or material. The stenographer or court reporter shall be paid in accordance with the provisions of Section 9-13-33. The commission shall have the right to require any party demanding an official stenographer to guarantee or prepay the costs thereof in all proper cases.

SECTION 18. Section 77-1-41, Mississippi Code of 1972, is reenacted as follows:

77-1-41. All findings of the commission and the determination of every matter by it shall be made in writing and placed upon its minutes. Proof thereof shall be made by a copy of the same duly certified by the secretary under the seal of the commission. Whenever any matter has been determined by the commission, in the course of any proceeding before it the fact of such determination, duly certified, shall be received in all courts and by every officer in civil cases as prima facie evidence that such determination was right and proper. The record of the proceedings of the commission shall be deemed a public record, and shall at all reasonable times be subject to the inspection of the public.

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SECTION 19. Section 77-1-43, Mississippi Code of 1972, is reenacted as follows:

77-1-43. (1) The commission may apply to the circuit or chancery court, by proper proceeding, for aid in the enforcement of obedience to its process, and to compel compliance with the law and its lawful orders, decisions, and determinations. Said courts shall have jurisdiction to grant aid and relief in such cases, subject to the right of appeal to the Supreme Court by the party aggrieved. The Attorney General, or district attorney in his district, shall institute such proceedings in the name of the commission.

(2) Any action for violation of the law, or for the violation of any lawful rule, regulation or order of the commission may be instituted by the commission or by the Attorney General in any court of competent jurisdiction.

(3) The remedies given by this chapter against all carriers under the supervision of the commission, are cumulative to those now in existence by law.

SECTION 20. Section 77-1-47, Mississippi Code of 1972, is reenacted as follows:

77-1-47. Appeals from any final finding, order or judgment of the commission shall be taken and perfected by the filing of a bond in the sum of Five Hundred Dollars (\$500.00) with two (2) sureties, or with a surety company qualified to do business in Mississippi as the surety, conditioned to pay the cost of such appeal. Said bond shall be approved by the chairman or secretary of the commission, or by the judge of the court to which such appeal is taken in case the chairman or secretary of the commission refuses to approve a proper bond tendered to them within the time limited for taking appeals. The commission may grant a supersedeas bond on any appeal, in such penalty and with such surety thereon as it may deem sufficient, and may, during the pendency of any appeal, at any time, require the increase of any

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such supersedeas bond or additional securities thereon. The judge of the Circuit Court of Hinds County may on petition therefor by any party entitled to an appeal, presented to him within six (6) months of the date of the final finding, order, or judgment of the commission appealed from, award a writ of supersedeas to any such final finding, order, or judgment of the commission, upon the filing of a supersedeas bond in an amount to be fixed by said judge. All appeal bonds for the payment of costs, and all supersedeas bonds, shall be made payable to the state and may be enforced in the name of the state by motion or other legal proceedings or remedy in any circuit court of this state having jurisdiction of a motion or action on such bond, and the process and proceedings thereon shall be as provided by law upon bonds of like character required and taken by any court of this state. Such circuit court may render and enter like judgments upon such bonds as may, by law, be rendered and entered upon bonds of like character, and process of execution shall issue upon such judgments, and may be levied and executed as provided by law in other cases.

SECTION 21. Section 77-1-49, Mississippi Code of 1972, is reenacted as follows:

77-1-49. The commission shall make a report every year to the Legislature of all its acts and doings for the preceding fiscal year.

SECTION 22. Section 77-1-51, Mississippi Code of 1972, is amended as follows:

77-1-51. Sections 77-1-1 through 77-1-49, Mississippi Code of 1972, which create the Public Service Commission and prescribe its powers and duties, shall stand repealed as of December 31, 2013.

SECTION 23. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2461

Description: Highway Patrol; remove repealer on minimum qualifications and authorize designation of veterans on driver's license.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 561

History of Actions:

- 1 02/17 (S) Referred To Accountability, Efficiency, Transparency; Judiciary, Division B
- 2 02/28 (S) DR - TSDP: AC To JB
- 3 03/06 (S) Title Suff Do Pass
- 4 03/08 (S) Amended
- 5 03/08 (S) Passed As Amended
- 6 03/08 (S) Immediate Release
- 7 03/12 (S) Transmitted To House
- 8 03/14 (H) Referred To Judiciary B
- 9 03/29 (H) Title Suff Do Pass As Amended
- 10 04/05 (H) Amended
- 11 04/05 (H) Passed As Amended
- 12 04/09 (H) Returned For Concurrence
- 13 04/18 (S) Decline to Concur/Invite Conf
- 14 04/24 (S) Conferees Named Collins, Bryan, Montgomery
- 15 04/25 (H) Conferees Named Gipson, DeBar, White
- 16 04/28 (S) Conference Report Filed
- 17 04/28 (H) Conference Report Filed
- 18 04/29 (H) Conference Report Adopted
- 19 05/01 (S) Conference Report Adopted
- 20 05/07 (S) Enrolled Bill Signed
- 21 05/08 (H) Enrolled Bill Signed
- 22 05/23 Approved by Governor

Amendments:

[S] Amendment No 1 *Adopted*

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2461

Conference Reports:

Conference Report

Code Section: A 045-0003-0009, A 063-0001-0035, A 045-0035-0003

----- Additional Information -----

Senate Committee: Accountability, Efficiency, Transparency, Judiciary, Division B

House Committee: Judiciary B

Principal Author: Bryan

Additional Authors: Butler (38th), Chassaniol, Collins, Doty, Fillingane, Frazier, Gandy, Jackson (15th), Massey, Montgomery, Polk, Simmons (12th), Smith, Sojourner, Ward, Watson, Wiggins, Wilemon, Jackson (11th)

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Bryan, Butler (38th),
Chassaniol, Collins, Doty, Fillingane,
Frazier, Gandy, Jackson (15th), Massey,
Montgomery, Polk, Simmons (12th), Smith,
Sojourner, Ward, Watson, Wiggins, Wilemon,
Jackson (11th)

To: Accountability,
Efficiency, Transparency;
Judiciary, Division B

SENATE BILL NO. 2461
(As Sent to Governor)

AN ACT TO AMEND SECTION 45-3-9, MISSISSIPPI CODE OF 1972, TO REMOVE THE REPEALER ON MINIMUM QUALIFICATIONS FOR MEMBERS OF THE MISSISSIPPI HIGHWAY PATROL; TO AMEND SECTIONS 63-1-35 AND 45-35-3, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DESIGNATION OF VETERANS ON DRIVER'S LICENSE AND IDENTIFICATION CARD; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 45-3-9, Mississippi Code of 1972, is amended as follows:

45-3-9. (1) The chief of patrol, directors, inspectors, assistant inspectors, patrol officers and investigators of the department shall be selected after an examination as to physical and mental fitness, knowledge of traffic laws, rules and regulations of this state, the laws of the state pertaining to arrest, and the rules and regulations of the Mississippi Department of Public Safety and Public Service Commission, such examination to be prescribed by the commissioner. At the time of appointment they shall be citizens of the United States and the State of Mississippi, of good moral character, and shall be not less than twenty-one (21) years of age and shall have:

(a) Sixty (60) hours and/or an associate degree from an accredited educational institution with a minimum grade point average of 2.0 on a 4.0 scale; or

(b) A high school diploma or GED and at least four (4) years of active military duty or six (6) years of National Guard duty; a Department of Defense Form 214 (DD214), Certificate of Release or Discharge from Active Duty, or a National Guard Bureau Form 22 (NGB Form 22), Report of Separation, or a National Guard

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Bureau Form 23 (NGB Form 23), ARNG Retirement Credit Points Statement must be submitted by the applicant; or

(c) A high school diploma or GED, minimum standard certification from an accredited law enforcement academy and a minimum of one (1) year of law enforcement field experience; or

(d) A high school diploma or GED if the applicant is not less than twenty-three (23) years of age. * * *

(2) Sworn agents of the Mississippi Bureau of Narcotics who are employed as enforcement troopers shall retain all compensatory, personal and sick leave accrued pursuant to Sections 25-3-92, 25-3-93 and 25-3-95.

SECTION 2. Section 63-1-35, Mississippi Code of 1972, is amended as follows:

63-1-35. (1) The Commissioner of Public Safety shall prescribe the form of license issued pursuant to this article which shall, among other features, include a driver's license number assigned by the Department of Public Safety. A licensee shall list his social security number with the department which shall cross reference the social security number with the driver's license number for purposes of identification. Additionally, each license shall bear a full-face color photograph of the licensee in such form that the license and the photograph cannot be separated. The photograph shall be taken so that one (1) exposure will photograph the applicant and the application simultaneously on the same film. The department shall use a process in the issuance of a license with a color photograph that shall prevent as nearly as possible any alteration, counterfeiting, duplication, reproduction, forging or modification of the license or the superimposition of a photograph without ready detection. The photograph shall be replaced by the department at the time of renewal. Drivers' licenses, including photographs appearing thereon, may be renewed by electronic means according to rules and

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regulations promulgated by the commissioner in conformity to Section 27-104-33.

(2) The commissioner shall prescribe the form of license issued pursuant to this article to licensees who are not United States citizens and who do not possess a social security number issued by the United States government. The license of such persons shall include a number and/or other identifying features.

(3) Any new, renewal or duplicate driver's license, temporary driving permit, intermediate license or commercial driver's license issued to a person required to register as a sex offender pursuant to Section 45-33-25 shall bear a designation identifying the licensee or permittee as a sex offender.

(4) The commissioner is authorized to provide the new, renewal or duplicate driver's license, temporary driving permit, intermediate license or commercial driver's license to any honorably discharged veteran as defined in Title 38 of the United States Code, and such license or permit shall exhibit the letters "Vet" or any other mark identifying the person as a veteran. The veteran requesting the "Vet" designation shall present his DD-214 or equivalent document that includes a notation from the state Veterans Affairs Board that the applicant is a veteran.

SECTION 3. Section 45-35-3, Mississippi Code of 1972, is amended as follows:

45-35-3. (1) Any person six (6) years of age or older may be issued an identification card by the department which is certified by the registrant and attested by the commissioner as to true name, correct age and such other identifying data as required by Section 45-35-5.

(2) The new, renewal or duplicate identification card of a person required to register as a sex offender pursuant to Section 45-33-25 shall bear a designation identifying the cardholder as a sex offender.

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(3) The commissioner is authorized to provide the new, renewal or duplicate identification card to any honorably discharged veteran as defined in Title 38 of the United States Code, and such identification card shall exhibit the letters "Vet" or any other mark identifying the person as a veteran. The veteran requesting the "Vet" designation shall present his DD-214 or equivalent document that includes a notation from the state Veterans Affairs Board that the applicant is a veteran.

SECTION 4. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2012 Regular Session

Senate Bill 2475

Description: Public Property; authorize Adjutant General to convey certain real property to the Town of Prentiss, MS.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 497

History of Actions:

- 1 02/17 (S) Referred To Public Property
- 2 02/29 (S) Title Suff Do Pass
- 3 03/07 (S) Passed
- 4 03/08 (S) Transmitted To House
- 5 03/21 (H) Referred To Public Property
- 6 03/27 (H) Title Suff Do Pass As Amended
- 7 04/04 (H) Amended
- 8 04/04 (H) Passed As Amended
- 9 04/05 (H) Returned For Concurrence
- 10 04/18 (S) Concurred in Amend From House
- 11 04/23 (S) Enrolled Bill Signed
- 12 04/23 (H) Enrolled Bill Signed
- 13 05/01 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2475

----- Additional Information -----

Senate Committee: Public Property

House Committee: Public Property

Principal Author: Fillingane

Additional Authors: Jackson (11th)

2012 GENERAL LAWS OF MISSISSIPPI, SB 2475

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Fillingane, Jackson (11th)

To: Public Property

SENATE BILL NO. 2475
(As Sent to Governor)

AN ACT AUTHORIZING THE ADJUTANT GENERAL OF THE STATE OF MISSISSIPPI TO TRANSFER AND CONVEY CERTAIN REAL PROPERTY, KNOWN AS THE NATIONAL GUARD ARMORY, IN PRENTISS, JEFFERSON DAVIS COUNTY, MISSISSIPPI, TO THE TOWN OF PRENTISS FOR THE USE AND OCCUPANCY OF THE FACILITY BY THE POLICE AND FIRE DEPARTMENTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The Adjutant General of the State of Mississippi is hereby authorized, under the authority of Section 33-9-23, to transfer and convey to the Town of Prentiss, Mississippi, located in Jefferson Davis County, for the use and occupancy of the Prentiss Police and Fire Departments the following property and improvements constructed thereon owned and formerly used by the United States of America for a National Guard Armory located at 1340 Highway 84 West, Prentiss, Mississippi, which is currently under a short-term lease with the Town of Prentiss, being more particularly described as follows:

4.36 acres, more or less, in the NW 1/4 of the SE 1/4
Section 11, T-7-N, R-19-W.

All bearing shown are referenced to found monuments shown on the West line of the East 1/2 of Section 11, T-7-N, R-19-W, Jefferson Davis County, Mississippi. They are based on the NAD 83 West Zone State Plane Coordinate System and are derived from a global positioning system observation.

The north and south property lines are subject to road right-of-way.

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(2) Such land and improvements may be transferred or conveyed to the Town of Prentiss, Mississippi, for the use and occupancy of the Prentiss Police and Fire Departments for any consideration and upon such other terms and conditions as the Adjutant General may deem advisable.

(3) The Adjutant General is authorized to convey and transfer title to said land and improvements only. Any such conveyance shall provide that title to said land and improvements shall revert to the State of Mississippi in the event the Town of Prentiss ceases to use the real property for the purposes intended in this legislation for which it was transferred or conveyed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2012 Regular Session

Senate Bill 2493

Description: Window tint; limit number of exceptions to specific medical conditions.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2012

Chapter Number: 528

History of Actions:

1 02/20 (S) Referred To Highways and Transportation;Judiciary, Division
B
2 03/02 (S) DR - TSDP: HI To JB
3 03/06 (S) Title Suff Do Pass
4 03/08 (S) Passed
5 03/08 (S) Immediate Release
6 03/08 (S) Transmitted To House
7 03/13 (H) Referred To Transportation
8 03/28 (H) Title Suff Do Pass As Amended
9 04/04 (H) Amended
10 04/04 (H) Passed As Amended
11 04/05 (H) Returned For Concurrence
12 04/09 (S) Decline to Concur/Invite Conf
13 04/24 (S) Conferees Named Simmons (13th),Bryan,Smith
14 04/25 (H) Conferees Named Johnson,Bailey,Bell
15 04/29 (S) Conference Report Filed
16 04/29 (H) Conference Report Filed
17 04/30 (H) Conference Report Adopted
18 05/01 (S) Conference Report Adopted
19 05/07 (S) Enrolled Bill Signed
20 05/08 (H) Enrolled Bill Signed
21 05/17 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

[H] Amendment No 1 to Committee Amendment No 1 *Withdrawn*

Amendment Report for Senate Bill No. 2493

Conference Reports:

Conference Report

Code Section: A 063-0007-0059

----- Additional Information -----

2012 GENERAL LAWS OF MISSISSIPPI, SB 2493

Senate Committee: Highways and Transportation, Judiciary, Division B

House Committee: Transportation

Principal Author: McDaniel

Additional Authors: Jackson (11th)

2012 GENERAL LAWS OF MISSISSIPPI, SB 2493

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) McDaniel, Jackson (11th)

To: Highways and
Transportation; Judiciary,
Division B

SENATE BILL NO. 2493
(As Sent to Governor)

AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2321, 2012 REGULAR SESSION, TO REVISE THE REQUIREMENTS FOR A MEDICAL EXEMPTION FROM THE LAWS REGARDING WINDOW TINTS; TO EXEMPT GOVERNMENT-OWNED FIRE DEPARTMENT VEHICLES FROM THE WINDOW TINT LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-7-59, Mississippi Code of 1972, as amended by Senate Bill No. 2321, 2012 Regular Session, is amended as follows:

63-7-59. (1) No person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any sign or poster, or with any glazing material which causes a mirrored effect, upon the front windshield, side wings or side or rear windows of the vehicle, other than a certificate or other paper required or authorized to be so displayed by law. No person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any tinted film, glazing material or darkening material of any kind on the windshield of a motor vehicle except material designed to replace or provide a sun shield in the uppermost area as authorized to be installed by manufacturers of vehicles under federal law.

(2) From and after July 1, 2006, no person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any window tinted or darkened, by tinted film or otherwise, unless:

(a) The windshield of the vehicle has affixed to it a label as provided under subsection (6) of this section certifying

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that all the windows of the vehicle have a light transmittance of twenty-eight percent (28%) or more; or

(b) The owner or operator of the vehicle has a certificate of medical exemption issued under subsection (4) of this section.

(3) The prohibitions of subsection (2) of this section shall not apply to (a) school buses, other buses used for public transportation, any bus or van owned or leased by a nonprofit organization duly incorporated under the laws of this state or any funeral home services vehicle, any limousine owned or leased by a private or public entity, or any government-owned law enforcement or fire department vehicle or any volunteer fire department vehicle; (b) any window behind the front two (2) side windows, including the rear window, of any pickup truck, van, motor home, recreational vehicle, sport utility vehicle or multipurpose vehicle that has been tinted or darkened after factory delivery to the extent that the light transmittance of the window meets the minimum light transmittance requirements authorized to be installed for that window and for that vehicle under federal law or regulations before factory delivery; or (c) any other motor vehicle the windows of which have been tinted or darkened before factory delivery as permitted by federal law or federal regulations.

(4) Notwithstanding the provisions of subsection (2) of this section, it shall be lawful for any person who has been diagnosed by a * * * physician licensed to practice medicine in the State of Mississippi as having a physical condition or disease that is seriously aggravated by minimum exposure to sunlight to place or have placed upon the windshield or windows of any motor vehicle which he owns or operates or within which he regularly travels as a passenger tinted film or other darkening material that would otherwise be in violation of this section. However, any * * * vehicle, in order to be exempt under this subsection (4), shall

have prominently displayed on the vehicle dashboard a certificate of medical exemption on a form prepared by the Commissioner of Public Safety and signed by the person on whose behalf the certificate is issued. The special certificate authorized by this subsection (4) shall be issued free of charge to the applicants through the offices of the tax collectors of the counties. Each applicant shall present to the issuing official (a) an affidavit signed personally by the applicant and signed and attested by a physician which states the applicant's physical condition or disease which entitles him to an exemption under this subsection (4); and (b) proof of ownership of the motor vehicle by the applicant, or a signed affidavit by the owner of a motor vehicle operated for the use of the applicant, for which he is obtaining the certificate.

(5) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(6) The Department of Public Safety shall issue labels to official motor vehicle inspection stations for affixing to the windshield of every motor vehicle required to be inspected in this state with a window therein which has been tinted or darkened with any tinted film or other darkening material after factory delivery. The label shall be affixed to the lower left corner of the windshield directly above the certificate of inspection, shall be legible from outside the vehicle, and shall indicate the label registration number, a certification of compliance with Mississippi law, and such other information as the Commissioner of Public Safety deems appropriate. The labels shall be of a type which is pressure-sensitive, self-destructive upon removal, and no larger than one (1) inch square in size. Before affixing the label, the inspection station shall conduct a test to determine that the window complies with the light transmittance requirements

prescribed under subsection (2) of this section. The test shall be conducted using such methods or devices as may be approved and certified not less often than annually by the Department of Public Safety. An inspection station shall not be required by the department to enter into a bond separate and apart from any bond required for official inspection stations as provided under Section 63-13-5, but the bond required under Section 63-13-5 shall be considered entirely sufficient for the purposes of this section. For conducting such tests, motor vehicle inspection stations shall charge and collect a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of the fee shall be retained by the inspection station, and Three Dollars (\$3.00) of the fee shall be remitted to the Department of Public Safety and may be expended, upon legislative appropriation, for the operational expenses of the department. No fee shall be charged unless a test is actually performed under this subsection (6), and no inspection station shall be required to perform a test to determine if the windows of a motor vehicle have been tinted or darkened with any tinted film or other darkening material after factory delivery so long as the inspection station does not issue a motor vehicle inspection certificate for any such vehicle. The presence of a label upon the windshield of a motor vehicle shall indicate that the person who affixed the label certifies that the windows of the vehicle meet the restrictions of subsection (2) of this section as to light transmittance.

(7) No person shall install any tinted film, darkening material, glazing material or any other material upon the windshield or any window of a motor vehicle which, after the installation thereof, would result in such vehicle being in violation of subsection (2) of this section.

(8) No motor vehicle inspection certificate shall be issued for a vehicle on which the windshield or any window of the vehicle has been darkened by the installation of tinted film or by other

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means, except as authorized under this section. Inspection certificates may be issued for motor vehicles having labels affixed pursuant to subsection (6) of this section and for motor vehicles for which a certificate of medical exemption has been issued pursuant to subsection (4) of this section.

(9) It shall be unlawful for any person to alter or reproduce any label or certificate of medical exemption approved by the Commissioner of Public Safety under this section for the purpose of misleading law enforcement officers or motor vehicle inspection stations, or to knowingly use any approved label or certificate except as authorized by this section.

(10) Any person violating subsection (7), (8) or (9) of this section, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or imprisonment in the county jail for not more than three (3) months, or by both such fine and imprisonment.

(11) Any violation of this section other than a violation of subsection (7), (8) or (9) of this section shall be punishable upon conviction as provided in Section 63-7-7.

(12) Violations of this section shall be enforced only by law enforcement officers of the Mississippi Department of Public Safety and municipal law enforcement officers of municipalities having a population of two thousand (2,000) or more on the public roads, streets and highways under their jurisdiction.

(13) The Department of Public Safety shall initiate a public awareness program designed to inform and educate persons of the provisions of this section. Funds for such public awareness program shall be available through the office of the Governor's representative for highway safety programs.

SECTION 2. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

Senate Bill 2494

Description: False report of crime; revise penalty.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 518

History of Actions:

- 1 02/20 (S) Referred To Judiciary, Division B
- 2 03/06 (S) Title Suff Do Pass
- 3 03/08 (S) Passed
- 4 03/08 (S) Immediate Release
- 5 03/08 (S) Transmitted To House
- 6 03/13 (H) Referred To Judiciary B
- 7 03/29 (H) Title Suff Do Pass
- 8 04/05 (H) Amended
- 9 04/05 (H) Passed As Amended
- 10 04/09 (H) Returned For Concurrence
- 11 04/25 (S) Concurred in Amend From House
- 12 04/29 (S) Enrolled Bill Signed
- 13 04/30 (H) Enrolled Bill Signed
- 14 05/03 Approved by Governor

Amendments:

[H] Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2494

Code Section: A 097-0035-0047

----- Additional Information -----

Senate Committee: Judiciary, Division B

House Committee: Judiciary B

Principal Author: McDaniel

Additional Authors: Jackson (11th)

2012 GENERAL LAWS OF MISSISSIPPI, SB 2494

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) McDaniel, Jackson (11th)

To: Judiciary, Division B

SENATE BILL NO. 2494
(As Sent to Governor)

AN ACT TO CREATE THE BRODERICK RASHAD DANTI DIXON ACT; TO AMEND SECTION 97-35-47, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTY FOR FALSELY REPORTING A CRIME; TO CREATE SECTION 99-43-8, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A CRIME VICTIM HAS THE RIGHT TO RECEIVE A COPY OF THE INITIAL INCIDENT REPORT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-35-47, Mississippi Code of 1972, is amended as follows:

97-35-47. It shall be unlawful for any person to report a crime or any element of a crime to any law enforcement or any officer of any court, by any means, knowing that such report is false. A violation of this section shall be punishable by imprisonment in the county jail not to exceed one (1) year or by fine not to exceed Five Thousand Dollars (\$5,000.00), or both. In addition to any fine and imprisonment, and upon proper showing made to the court, the defendant shall be ordered to pay as restitution to the law enforcement agency reimbursement for any reasonable costs directly related to the investigation of the falsely reported crime and the prosecution of any person convicted under this section.

SECTION 2. The following shall be codified as Section 99-43-8, Mississippi Code of 1972:

99-43-8. Upon request, the victim has the right to receive, from the appropriate law enforcement agency, free of charge, a copy of the initial incident report of the case subject to any confidentiality requirements provided by law.

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SECTION 3. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

Senate Bill 2495

Description: Public Procurement Review Board; must publish an agency's request to lease nonstate owned property on DFA website.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 512

History of Actions:

- 1 02/20 (S) Referred To Public Property
- 2 02/29 (S) Title Suff Do Pass
- 3 03/07 (S) Passed
- 4 03/08 (S) Transmitted To House
- 5 03/21 (H) Referred To Public Property;S.C. Accountblty/Efficiency
/Transparency
- 6 03/27 (H) DR - TSDP: PP To AC
- 7 03/28 (H) DR - TSDP: AC To PP
- 8 03/28 (H) Title Suff Do Pass
- 9 04/04 (H) Amended
- 10 04/04 (H) Passed As Amended
- 11 04/05 (H) Returned For Concurrence
- 12 04/18 (S) Concurred in Amend From House
- 13 04/23 (S) Enrolled Bill Signed
- 14 04/23 (H) Enrolled Bill Signed
- 15 05/01 Approved by Governor

Amendments:

[H] Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2495

Code Section: A 027-0104-0007

----- Additional Information -----

Senate Committee: Public Property

House Committee: Public Property, S.C. Accountblty/Efficiency/Transparency

Principal Author: Blount

Additional Authors: Dawkins

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Blount, Dawkins

To: Public Property

SENATE BILL NO. 2495
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-104-7, MISSISSIPPI CODE OF 1972, TO REQUIRE THE PUBLIC PROCUREMENT REVIEW BOARD TO ADOPT REGULATIONS THAT REQUIRE THE PUBLICATION OF A STATE AGENCY'S REQUEST TO LEASE PROPERTY NOT OWNED BY THE STATE OF MISSISSIPPI ON THE WEBSITE OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-104-7, Mississippi Code of 1972, as amended by House Bill No. 1091, 2012 Regular Session, is amended as follows:

27-104-7. (1) There is *** created within the Department of Finance and Administration the Public Procurement Review Board, which shall be composed of the Executive Director of the Department of Finance and Administration, the head of the Office of Budget and Policy Development and an employee of the Office of General Services who is familiar with the purchasing laws of this state. The Executive Director of the Department of Finance and Administration shall be chairman and shall preside over the meetings of the board. The board shall annually elect a vice chairman, who shall serve in the absence of the chairman. No business shall be transacted, including adoption of rules of procedure, without the presence of a quorum of the board. Two (2) members shall be a quorum. No action shall be valid unless approved by the chairman and one (1) other of those members present and voting, entered upon the minutes of the board and signed by the chairman. The board shall meet on a monthly basis and at any other time when notified by the chairman. Necessary clerical and administrative support for the board shall be

provided by the Department of Finance and Administration. Minutes shall be kept of the proceedings of each meeting, copies of which shall be filed on a monthly basis with the Legislative Budget Office.

(2) The Public Procurement Review Board shall have the following powers and responsibilities:

(a) Approve all purchasing regulations governing the purchase or lease by any agency, as defined in Section 31-7-1, of commodities and equipment, except computer equipment acquired pursuant to Sections 25-53-1 through 25-53-29;

(b) Adopt regulations governing the approval of contracts let for the construction and maintenance of state buildings and other state facilities;

(c) Adopt regulations governing any lease or rental agreement by any state agency or department, including any state agency financed entirely by federal funds, for space outside the buildings under the jurisdiction of the Department of Finance and Administration. These regulations shall require each agency requesting to lease such space to provide the following information that shall be published by the Department of Finance and Administration on its website: the agency to lease the space; the terms of the lease; the approximate square feet to be leased; the use for the space; a description of a suitable space; the general location desired for the leased space; the contact information for a person from the agency; the deadline date for the agency to have received a lease proposal; any other specific terms or conditions of the agency; and any other information deemed appropriate by the Division of Real Property Management or the Public Procurement Review Board;

(d) Adopt, in its discretion, regulations to set aside at least five percent (5%) of anticipated annual expenditures for the purchase of commodities from minority businesses; however, all such set-aside purchases shall comply with all purchasing

regulations promulgated by the department and shall be subject to all bid requirements. Set-aside purchases for which competitive bids are required shall be made from the lowest and best minority business bidder; however, if no minority bid is available or if the minority bid is more than two percent (2%) higher than the lowest bid, then bids shall be accepted and awarded to the lowest and best bidder. *** However, *** the provisions in this paragraph shall not be construed to prohibit the rejection of a bid when only one (1) bid is received. Such rejection shall be placed in the minutes. For the purposes of this paragraph, the term "minority business" means a business which is owned by a person who is a citizen or lawful permanent resident of the United States and who is:

(i) Black: having origins in any of the black racial groups of Africa;

(ii) Hispanic: of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin regardless of race;

(iii) Asian American: having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;

(iv) American Indian or Alaskan Native: having origins in any of the original peoples of North America;

(v) Female;

(e) In consultation with and approval by the Chairmen of the Senate and House Public Property Committees, approve leases, for a term not to exceed eighteen (18) months, entered into by state agencies for the purpose of providing parking arrangements for state employees who work in the Woolfolk Building, the Carroll Gartin Justice Building or the Walter Sillers Office Building. The provisions of this paragraph (e) shall stand repealed on July 1, 2014.

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(3) No member of the Public Procurement Review Board shall use his official authority or influence to coerce, by threat of discharge from employment, or otherwise, the purchase of commodities or the contracting for public construction under this chapter.

(4) Notwithstanding any other laws or rules to the contrary, the provisions of subsection (2) of this section shall not be applicable to the Mississippi State Port Authority at Gulfport.

SECTION 2. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2534

Description: Local governments; enact uniform rules for the sale or disposal of personal property owned by a county, city or school board.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 499

History of Actions:

- 1 02/20 (S) Referred To Accountability, Efficiency, Transparency
- 2 03/01 (S) Title Suff Do Pass
- 3 03/08 (S) Passed
- 4 03/08 (S) Immediate Release
- 5 03/08 (S) Transmitted To House
- 6 03/13 (H) Referred To S.C. Accountblty/Efficiency/Transparency
- 7 03/28 (H) Title Suff Do Pass
- 8 04/04 (H) Amended
- 9 04/04 (H) Passed As Amended
- 10 04/05 (H) Returned For Concurrence
- 11 04/18 (S) Concurred in Amend From House
- 12 04/23 (S) Enrolled Bill Signed
- 13 04/23 (H) Enrolled Bill Signed
- 14 05/01 Approved by Governor

Amendments:

[H] Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2534

Code Section: A 019-0007-0005, A 021-0017-0001, A 037-0007-0455

----- Additional Information -----

Senate Committee: Accountability, Efficiency, Transparency

House Committee: S.C. Accountblty/Efficiency/Transparency

Principal Author: Massey

2012 GENERAL LAWS OF MISSISSIPPI, SB 2534

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Massey

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2534
(As Sent to Governor)

AN ACT TO CREATE NEW SECTION 17-25-25, MISSISSIPPI CODE OF 1972, TO PROVIDE UNIFORM REQUIREMENTS FOR THE SALE OR DISPOSAL OF THE PERSONAL PROPERTY OF A COUNTY, MUNICIPALITY OR SCHOOL BOARD; TO AMEND SECTIONS 19-7-5, 21-17-1 AND 37-7-455, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 17-25-25, Mississippi Code of 1972:

17-25-25. (1) **General.** The governing authority of a county or municipality may sell or dispose of any personal property belonging to the governing authority when the property has ceased to be used for public purposes or when, in the authority's judgment, a sale thereof would promote the best interest of the governing authority.

(2) **Public sale.** At least ten (10) days before bid opening, the governing authority shall advertise its acceptance of bids by posting notices at three (3) public places located in the county or municipality that the governing authority serves. One of the three (3) notices shall be posted at the governing authority's main office. The governing authority may designate the manner by which the bids will be received, including, but not limited to, bids sealed in an envelope, bids made electronically or bids made by any other method that promotes open competition. The proceeds of the sale shall be placed in a properly approved depository to the credit of the proper fund.

(3) **Private sale.** Where the personal property does not exceed One Thousand Dollars (\$1,000.00) in value, the governing authority, by a unanimous approval of its members, may sell or

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dispose of the property at a private sale. The proceeds of the sale shall be placed in a properly approved depository to the credit of the proper fund.

(4) If the governing authority finds that the fair market value of the personal property is zero and this finding is entered on the minutes of the authority, then the governing authority may dispose of the personal property in the manner it deems appropriate and in its best interest, but no official or employee of the governing authority shall derive any personal economic benefit from such disposal.

(5) If the personal property may be of use or benefit to any federal agency or authority, another governing authority or state agency of the State of Mississippi, or a state agency or governing authority of another state, it may be disposed of in accordance with Section 31-7-13(m)(vi).

(6) Nothing contained in this section shall be construed to prohibit, restrict or to prescribe conditions with regard to the authority granted under Section 17-25-3.

SECTION 2. Section 19-7-5, Mississippi Code of 1972, is amended as follows:

19-7-5. The board of supervisors shall have the power to sell and dispose of * * * any personal property belonging to the county or any subdivision thereof according to the uniform personal property disposal requirements for local governments in Section 17-25-25. * * *

Nothing contained in this section shall be construed to prohibit, restrict or to prescribe conditions with regard to the authority granted under Section 17-25-3.

SECTION 3. Section 21-17-1, Mississippi Code of 1972, is amended as follows:

21-17-1. (1) Every municipality of this state shall be a municipal corporation and shall have power to sue and be sued; to purchase and hold real estate, either within or without the

corporate limits, for all proper municipal purposes, including parks, cemeteries, hospitals, schoolhouses, houses of correction, waterworks, electric lights, sewers and other proper municipal purposes; to purchase and hold personal property for all proper municipal purposes; to sell or dispose of personal property owned by it consistent with Section 17-25-25; to acquire equipment and machinery by lease-purchase agreement and to pay interest thereon, if contracted, when needed for proper municipal purposes; and to sell and convey any real * * * property owned by it, and make such order respecting the same as may be deemed conducive to the best interest of the municipality, and exercise jurisdiction over the same.

(2) (a) In case any of the real property belonging to a municipality shall cease to be used for municipal purposes, the governing authority of the municipality may sell, convey or lease the same on such terms as the municipal authority may elect. In case of a sale on a credit, the municipality shall charge appropriate interest as contracted and shall have a lien on the same for the purchase money, as against all persons, until paid and may enforce the lien as in such cases provided by law. The deed of conveyance in such cases shall be executed in the name of the municipality by the governing authority of the municipality pursuant to an order entered on the minutes. In any sale or conveyance of real property, the municipality shall retain all mineral rights that it owns, together with the right of ingress and egress to remove same. Except as otherwise provided in this section, before any such lease, deed or conveyance is executed, the governing authority of the municipality shall publish at least once each week for three (3) consecutive weeks, in a public newspaper of the municipality in which the real property is located, or if no newspaper be published as such, then in a newspaper having general circulation therein, the intention to lease or sell, as the case may be, the municipally owned real

property and to accept sealed competitive bids for the leasing or sale. The governing authority of the municipality shall thereafter accept bids for the lease or sale and shall award the lease or sale to the highest bidder in the manner provided by law. However, whenever the governing authority of the municipality shall find and determine, by resolution duly and lawfully adopted and spread upon its minutes (i) that any municipally owned real property is no longer needed for municipal or related purposes and is not to be used in the operation of the municipality, (ii) that the sale of such property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of the municipality, and (iii) that the use of such property for the purpose for which it is to be sold, conveyed or leased will promote and foster the development and improvement of the community in which it is located and the civic, social, educational, cultural, moral, economic or industrial welfare thereof, the governing authority of the municipality shall be authorized and empowered, in its discretion, to sell, convey or lease same for any of the purposes set forth herein without having to advertise for and accept competitive bids.

(b) In any case in which a municipality proposes to sell, convey or lease real property under the provisions of this subsection (2) without advertising for and accepting competitive bids, the governing authority may sell, convey or lease the property as follows:

(i) Consideration for the purchase, conveyance or lease of the property shall be not less than the average of the fair market price for such property as determined by three (3) professional property appraisers selected by the municipality and approved by the purchaser or lessee. Appraisal fees shall be shared equally by the municipality and the purchaser or lessee; or

(ii) The governing authority of a municipality may contract for the professional services of a Mississippi licensed

real estate broker to assist the municipality in the marketing and sale or lease of the property, and may provide the broker reasonable compensation for services rendered to be paid from the sale or lease proceeds. The reasonable compensation shall not exceed the usual and customary compensation for similar services within the municipality.

(3) Whenever the governing authority of the municipality shall find and determine by resolution duly and lawfully adopted and spread upon the minutes that municipally owned real property is not used for municipal purposes and therefore surplus as set forth in subsection (2) of this section:

(a) (i) Except as otherwise provided in subparagraph (ii) of this paragraph (a), the governing authority may donate such lands to a bona fide not-for-profit civic or eleemosynary corporation organized and existing under the laws of the State of Mississippi and granted tax exempt status by the Internal Revenue Service and may donate such lands and necessary funds related thereto to the public school district in which the land is situated for the purposes set forth herein. Any deed or conveyance executed pursuant hereto shall contain a clause of reverter providing that the bona fide not-for-profit corporation or public school district may hold title to such lands only so long as they are continued to be used for the civic, social, educational, cultural, moral, economic or industrial welfare of the community, and that title shall revert to the municipality in the event of the cessation of such use for a period of two (2) years. In any such deed or conveyance, the municipality shall retain all mineral rights that it owns, together with the right of ingress and egress to remove same;

(ii) If the governing authority of a municipality with a total population of greater than forty thousand (40,000) but not more than forty-two thousand five hundred (42,500) according to the 2010 federal decennial census, donates real

property, to a bona fide not-for-profit civic or eleemosynary corporation and such civic or eleemosynary corporation commits Two Million Dollars (\$2,000,000.00) to renovate or make capital improvements to the property by an agreement between a certain state institution of higher learning and the civic or eleemosynary corporation, then the clause of reverter required by this paragraph shall provide that title of such real property shall revert (i) to the bona fide not-for-profit civic or eleemosynary corporation, if a certain state institution of higher learning ceases to use the property for the purposes required by this paragraph (a) for donated lands or (ii) to the municipality, if a certain state institution of higher learning ceases to use the property for the purposes required by this paragraph (a) and the not-for-profit civic or eleemosynary corporation or its successor ceases to exist.

(b) (i) The governing authority may donate such lands to a bona fide not-for-profit corporation (such as Habitat for Humanity) which is primarily engaged in the construction of housing for persons who otherwise can afford to live only in substandard housing. In any such deed or conveyance, the municipality shall retain all mineral rights that it owns, together with the right of ingress and egress to remove same;

(ii) In the event the governing authority does not wish to donate title to such lands to the bona fide not-for-profit civic or eleemosynary corporation, but wishes to retain title to the lands, the governing authority may lease the lands to a bona fide not-for-profit corporation described in paragraph (a) or (b) for less than fair market value;

(c) The governing authority may donate any municipally owned lot measuring twenty-five (25) feet or less along the frontage line as follows: the governing authority may cause the lot to be divided in half along a line running generally perpendicular to the frontage line and may convey each one-half

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(1/2) of that lot to the owners of the parcels laterally adjoining the municipally owned lot. All costs associated with a conveyance under this paragraph (c) shall be paid by the person or entity to whom the conveyance is made. In any such deed or instrument of conveyance, the municipality shall retain all mineral rights that it owns, together with the right of ingress and egress to remove same;

(d) Nothing contained in this subsection (3) shall be construed to prohibit, restrict or to prescribe conditions with regard to the authority granted under Section 17-25-3.

(4) Every municipality shall also be authorized and empowered to loan to private persons or entities, whether organized for profit or nonprofit, funds received from the United States Department of Housing and Urban Development (HUD) under an urban development action grant or a community development block grant under the Housing and Community Development Act of 1974 (Public Law 93-383), as amended, and to charge interest thereon if contracted, provided that no such loan shall include any funds from any revenues other than the funds from the United States Department of Housing and Urban Development; to make all contracts and do all other acts in relation to the property and affairs of the municipality necessary to the exercise of its governmental, corporate and administrative powers; and to exercise such other or further powers as are otherwise conferred by law.

(5) (a) The governing authority of any municipality may establish an employer-assisted housing program to provide funds to eligible employees to be used toward the purchase of a home. This assistance may be applied toward the down payment, closing costs or any other fees or costs associated with the purchase of a home. The housing assistance may be in the form of a grant, forgivable loan or repayable loan. The governing authority of a municipality may contract with one or more public or private entities to provide assistance in implementing and administering the program

and shall adopt rules and regulations regarding the eligibility of a municipality for the program and for the implementation and administration of the program. However, no general funds of a municipality may be used for a grant or loan under the program.

(b) Participation in the program established under this subsection (5) shall be available to any eligible municipal employee as determined by the governing authority of the municipality. Any person who receives financial assistance under the program must purchase a house and reside within certain geographic boundaries as determined by the governing authority of the municipality.

(c) If the assistance authorized under this subsection (5) is structured as a forgivable loan, the participating employee must remain as an employee of the municipality for an agreed upon period of time, as determined by the rules and regulations adopted by the governing authority of the municipality, in order to have the loan forgiven. The forgiveness structure, amount of assistance and repayment terms shall be determined by the governing authority of the municipality.

(6) The governing authority of any municipality may contract with a private attorney or private collection agent or agency to collect any type of delinquent payment owed to the municipality, including, but not limited to, past due fees, fines and other assessments, or with the district attorney of the circuit court district in which the municipality is located to collect any delinquent fees, fines and other assessments. Any such contract debt may provide for payment contingent upon successful collection efforts or payment based upon a percentage of the delinquent amount collected; however, the entire amount of all delinquent payments collected shall be remitted to the municipality and shall not be reduced by any collection costs or fees. Any private attorney or private collection agent or agency contracting with the municipality under the provisions of this subsection shall

give bond or other surety payable to the municipality in such amount as the governing authority of the municipality deems sufficient. Any private attorney with whom the municipality contracts under the provisions of this subsection must be a member in good standing of The Mississippi Bar. Any private collection agent or agency with whom the municipality contracts under the provisions of this subsection must meet all licensing requirements for doing business in the State of Mississippi. Neither the municipality nor any officer or employee of the municipality shall be liable, civilly or criminally, for any wrongful or unlawful act or omission of any person or business with whom the municipality has contracted under the provisions of this subsection. The Mississippi Department of Audit shall establish rules and regulations for use by municipalities in contracting with persons or businesses under the provisions of this subsection. If a municipality uses its own employees to collect any type of delinquent payment owed to the municipality, then from and after July 1, 2000, the municipality may charge an additional fee for collection of the delinquent payment provided the payment has been delinquent for ninety (90) days. The collection fee may not exceed twenty-five percent (25%) of the delinquent payment if the collection is made within this state and may not exceed fifty percent (50%) of the delinquent payment if the collection is made outside this state. In conducting collection of delinquent payments, the municipality may utilize credit cards or electronic fund transfers. The municipality may pay any service fees for the use of such methods of collection from the collection fee, but not from the delinquent payment. There shall be due to the municipality from any person whose delinquent payment is collected under a contract executed as provided in this subsection an amount, in addition to the delinquent payment, of not to exceed twenty-five percent (25%) of the delinquent payment for collections made within this state, and not to exceed fifty

percent (50%) of the delinquent payment for collections made outside of this state.

(7) In addition to such authority as is otherwise granted under this section, the governing authority of any municipality may expend funds necessary to maintain and repair, and to purchase liability insurance, tags and decals for, any personal property acquired under the Federal Excess Personal Property Program that is used by the local volunteer fire department.

* * *

(8) In addition to the authority to expend matching funds under Section 21-19-65, the governing authority of any municipality, in its discretion, may expend municipal funds to match any state, federal or private funding for any program administered by the State of Mississippi, the United States government or any nonprofit organization that is exempt under 26 USCS Section 501(c)(3) from paying federal income tax.

(9) The governing authority of any municipality that owns and operates a gas distribution system, as defined in Section 21-27-11(b), and the governing authority of any public natural gas district are authorized to contract for the purchase of the supply of natural gas for a term of up to ten (10) years with any public nonprofit corporation which is organized under the laws of this state or any other state.

(10) The governing authority of any municipality may perform and exercise any duty, responsibility or function, may enter into agreements and contracts, may provide and deliver any services or assistance, and may receive, expend and administer any grants, gifts, matching funds, loans or other monies, in accordance with and as may be authorized by any federal law, rule or regulation creating, establishing or providing for any program, activity or service. The provisions of this subsection shall not be construed as authorizing any municipality or the governing authority of such municipality to perform any function or activity that is

specifically prohibited under the laws of this state or as granting any authority in addition to or in conflict with the provisions of any federal law, rule or regulation.

(11) (a) In addition to such authority as is otherwise granted under this section, the governing authority of a municipality, in its discretion, may sell, lease, donate or otherwise convey property to any person or legal entity without public notice, without having to advertise for and accept competitive bids and without appraisal, with or without consideration, and on such terms and conditions as the parties may agree if the governing authority finds and determines, by resolution duly and lawfully adopted and spread upon its official minutes:

(i) The subject property is real property acquired by the municipality:

1. By reason of a tax sale;
2. Because the property was abandoned or

blighted; or

3. In a proceeding to satisfy a municipal lien against the property;

(ii) The subject property is blighted and is located in a blighted area;

(iii) The subject property is not needed for governmental or related purposes and is not to be used in the operation of the municipality;

(iv) That the sale of the property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of the municipality; and

(v) That the use of the property for the purpose for which it is to be conveyed will promote and foster the development and improvement of the community in which it is located or the civic, social, educational, cultural, moral,

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economic or industrial welfare thereof; the purpose for which the property is conveyed shall be stated.

(b) Any deed or instrument of conveyance executed pursuant to the authority granted under this subsection shall contain a clause of reverter providing that title to the property will revert to the municipality if the person or entity to whom the property is conveyed does not fulfill the purpose for which the property was conveyed and satisfy all conditions imposed on the conveyance within two (2) years of the date of the conveyance.

(c) In any such deed or instrument of conveyance, the municipality shall retain all mineral rights that it owns, together with the right of ingress and egress to remove same.

(12) The governing authority of any municipality may enter into agreements and contracts with any housing authority, as defined in Section 43-33-1, to provide extra police protection in exchange for the payment of compensation or a fee to the municipality. This subsection shall stand repealed from and after July 1, 2014.

(13) The powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law, and nothing contained in this section shall be construed to prohibit, or to prescribe conditions concerning, any practice or practices authorized under any other law.

SECTION 4. Section 37-7-455, Mississippi Code of 1972, is amended as follows:

37-7-455. (1) Except as otherwise provided in subsections (2) and (3) of this section, all such land, buildings or other property shall be sold only after the receipt of sealed bids therefor after the time and place of making such sale has been duly advertised in some newspaper having a general circulation in the county in which the property is located once each week for three (3) consecutive weeks with the first publication to be made not less than fifteen (15) days prior to the date upon which such

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bids are to be received and opened. The property shall be sold to the highest and best bidder for cash, but the school board shall have the right to reject any and all bids. If the property is not sold pursuant to such advertisement, the school board, by resolution, may set a date for an open meeting of the school board to be held within sixty (60) days after the date upon which the bids were opened. At the meeting held pursuant to such resolution, the school board may sell by auction the property for a consideration not less than the highest sealed bid previously received pursuant to the advertisement. At the meeting, any interested party may bid for cash, and the property shall be sold to the highest and best bidder for cash, but the school board shall have the right to reject any and all bids. The school board may require a written confirmation of bids received at such called meeting before selling the property at auction, but it shall not be necessary that sealed bids be received before conducting the auction.

(2) As an alternative to the procedures established under subsection (1) of this section, the school board of a school district may elect, in its discretion, to sell by public auction any property, other than real property or buildings of the school district, which is not used for school or related school purposes and not needed in the operation of the schools, according to the procedure in Section 17-25-25. * * *

(3) As an alternative to the procedures established under subsection (1) or (2) of this section, the county board of education of a county having a population in excess of ten thousand (10,000) according to the 2000 decennial census and in which U.S. Highway 45 intersects with Mississippi Highway 16, may elect, in its discretion, to transfer and sell the buildings of the school district and the real property upon which the buildings are located which are not used as school facilities or for school-related purposes and not needed in the operation of the

schools, after advertising for and receiving competitive bids for the sale of such property. If any bid is offered by a nonprofit 501(c)(3) entity which has made substantial improvements to the buildings, the fair market value of the improvements shall be deemed to be consideration for, a part of, the bid offered by the entity. In this case, the school board shall enter a finding on its minutes that the nonprofit entity has made substantial improvements to the property and the property is no longer needed for school district purposes.

(4) When the sale of such property is authorized and approved by the school board, the president of the school board shall be authorized and empowered to execute a conveyance of the property upon the terms and for the consideration fixed by the board. The school board shall reserve unto the district all oil, gas and minerals in, on or under the land, and all proceeds derived from royalties upon the reserved mineral interests shall be used as provided by Section 37-7-457.

SECTION 5. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2576

Description: Workers' Compensation Law; revise various provisions.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 522

History of Actions:

- 1 02/20 (S) Referred To Insurance
- 2 02/22 (S) Title Suff Do Pass Comm Sub
- 3 03/14 (S) Committee Substitute Adopted
- 4 03/14 (S) Amended
- 5 03/14 (S) Passed As Amended
- 6 03/16 (S) Transmitted To House
- 7 03/22 (H) Referred To Insurance
- 8 03/22 (H) Title Suff Do Pass As Amended
- 9 03/26 (H) Read the Third Time
- 10 03/29 (H) Amended
- 11 03/29 (H) Passed As Amended
- 12 03/29 (H) Motion to Reconsider Entered (Evans (91st), Chism, Buck
(5th))
- 13 04/02 (H) Motion to Recnsdr Tabled Lost
- 14 04/02 (H) Reconsidered
- 15 04/02 (H) Tabled Subject To Call
- 16 04/05 (H) Passed As Amended
- 17 04/09 (H) Returned For Concurrence
- 18 04/20 (S) Decline to Concur/Invite Conf
- 19 04/25 (H) Conferees Named Chism, Formby, Busby
- 20 04/27 (S) Conferees Named Carmichael, Kirby, Longwitz
- 21 04/29 (H) Conference Report Filed
- 22 04/29 (S) Conference Report Filed
- 23 04/30 (H) Conference Report Adopted
- 24 04/30 (S) Conference Report Adopted
- 25 05/03 (S) Enrolled Bill Signed
- 26 05/03 (H) Enrolled Bill Signed
- 27 05/14 Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub) *Adopted*

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2576

Conference Reports:

Conference Report

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Code Section: A 071-0003-0001, A 071-0003-0007, A 071-0003-0015, A 071-0003-0017,
A 071-0003-0019, A 071-0003-0025, A 071-0003-0063, A 071-0003-0121,
A 071-0007-0005

----- Additional Information -----

Senate Committee: Insurance

House Committee: Insurance

Principal Author: Longwitz

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Longwitz

To: Insurance

SENATE BILL NO. 2576
(As Sent to Governor)

AN ACT TO AMEND SECTION 71-3-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI WORKERS' COMPENSATION LAW SHALL NOT BE PRESUMED TO FAVOR ONE PARTY OVER ANOTHER; TO PROVIDE THE PRIMARY PURPOSES OF THE WORKERS' COMPENSATION LAW; TO AMEND SECTION 71-3-7, MISSISSIPPI CODE OF 1972, TO REQUIRE THE CLAIMANT TO PROVIDE MEDICAL PROOF TO HIS EMPLOYER OF THE DIRECT CAUSAL CONNECTION BETWEEN THE WORK PERFORMED AND THE ALLEGED WORK-RELATED INJURY OR OCCUPATIONAL DISEASE; TO REQUIRE THE CLAIMANT, IN CERTAIN CLAIMS, TO FILE MEDICAL PROOF OF THE DIRECT CAUSAL CONNECTION BETWEEN THE WORK PERFORMED AND THE ALLEGED WORK-RELATED INJURY OR OCCUPATIONAL DISEASE WHEN FILING A PETITION TO CONTROVERT; TO PROVIDE THAT A PREEXISTING CONDITION DOES NOT HAVE TO BE OCCUPATIONALLY DISABLING FOR APPORTIONMENT TO APPLY; TO AMEND SECTION 71-3-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT, IF THE EMPLOYEE IS TREATED FOR HIS ALLEGED WORK-RELATED INJURY OR OCCUPATIONAL DISEASE BY A PHYSICIAN FOR SIX MONTHS OR LONGER, OR IF THE EMPLOYEE HAS SURGERY FOR THE ALLEGED WORK-RELATED INJURY OR OCCUPATIONAL DISEASE PERFORMED BY A PHYSICIAN, THEN THAT PHYSICIAN SHALL BE DEEMED THE EMPLOYEE'S SELECTION; TO AMEND SECTION 71-3-17, MISSISSIPPI CODE OF 1972, TO INCREASE THE MAXIMUM AMOUNT THE COMMISSION MAY AWARD THE EMPLOYEE FOR SERIOUS FACIAL OR HEAD DISFIGUREMENT FROM \$2,000.00 TO \$5,000.00; TO AMEND SECTION 71-3-19, MISSISSIPPI CODE OF 1972, TO INCREASE THE MAXIMUM AMOUNT THE COMMISSION MAY AWARD IN ADDITIONAL COMPENSATION FROM \$10.00 PER WEEK TO \$25.00 PER WEEK, UP TO A MAXIMUM OF 52 WEEKS, FOR AN EMPLOYEE WHO AS A RESULT OF INJURY IS OR MAY BE EXPECTED TO BE TOTALLY OR PARTIALLY INCAPACITATED FOR A REMUNERATIVE OCCUPATION AND WHO, UNDER THE DIRECTION OF THE COMMISSION IS BEING RENDERED FIT TO ENGAGE IN A REMUNERATIVE OCCUPATION; TO AMEND SECTION 71-3-25, MISSISSIPPI CODE OF 1972, TO INCREASE THE DEATH BENEFIT IMMEDIATE LUMP-SUM PAYMENT FROM \$250.00 TO \$1,000.00; TO INCREASE THE MAXIMUM DEATH BENEFIT FOR REASONABLE FUNERAL EXPENSES FROM \$2,000.00 TO \$5,000.00; TO AMEND SECTION 71-3-63, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ATTORNEYS MAY NOT RECOVER ATTORNEY'S FEES BASED UPON BENEFITS VOLUNTARILY PAID TO AN INJURED EMPLOYEE FOR TEMPORARY OR PERMANENT DISABILITY; TO AMEND SECTION 71-3-121, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS REGARDING THE RIGHT OF AN EMPLOYER TO ADMINISTER OR DEMAND THE EMPLOYEE SUBMIT TO A DRUG AND ALCOHOL TEST; TO REVISE THE PROVISIONS REGARDING THE ADMISSIBILITY OF DRUG AND ALCOHOL TESTS AS EVIDENCE; TO REVISE THE PROVISIONS REGARDING THE BURDEN OF PROOF THAT THE EMPLOYEE'S USE OF DRUGS ILLEGALLY, USE OF PRESCRIPTION DRUGS IMPROPERLY OR INTOXICATION DUE TO THE USE OF ALCOHOL WAS A CONTRIBUTING CAUSE OF THE ACCIDENT; TO AMEND SECTION 71-7-5, MISSISSIPPI CODE OF 1972, TO CONFORM; TO CREATE A NEW SECTION OF LAW TO REQUIRE THE WORKERS' COMPENSATION COMMISSION TO PROMULGATE A WRITTEN STATEMENT

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SPECIFYING THE CHANGES MADE BY THIS ACT TO EVERY EMPLOYER IN THIS STATE; TO REQUIRE EMPLOYERS TO POST SUCH STATEMENT FOR NOTICE TO THEIR EMPLOYEES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 71-3-1, Mississippi Code of 1972, is amended as follows:

71-3-1. (1) This chapter shall be known and cited as "Workers' Compensation Law," and shall be administered by the Workers' Compensation Commission, hereinafter referred to as the "commission," cooperating with other state and federal authorities for the prevention of injuries and occupational diseases to workers and, in event of injury or occupational disease, their rehabilitation or restoration to health and vocational opportunity; and this chapter shall be fairly and impartially construed and applied according to the law and the evidence in the record, and, notwithstanding any common law or case law to the contrary, this chapter shall not be presumed to favor one party over another and shall not be liberally construed in order to fulfill any beneficent purposes.

(2) Wherever used in this chapter, or in any other statute or rule or regulation affecting the former Workmen's Compensation Law and any of its functions or duties:

(a) The words "workmen's compensation" shall mean "workers' compensation"; and

(b) The word "commission" shall mean the Workers' Compensation Commission.

(3) The primary purposes of the Workers' Compensation Law are to pay timely temporary and permanent disability benefits to every worker who legitimately suffers a work-related injury or occupational disease arising out of and in the course of his employment, to pay reasonable and necessary medical expenses resulting from the work-related injury or occupational disease, and to encourage the return to work of the worker.

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SECTION 2. Section 71-3-7, Mississippi Code of 1972, is amended as follows:

71-3-7. (1) Compensation shall be payable for disability or death of an employee from injury or occupational disease arising out of and in the course of employment, without regard to fault as to the cause of the injury or occupational disease. An occupational disease shall be deemed to arise out of and in the course of employment when there is evidence that there is a direct causal connection between the work performed and the occupational disease. In all claims in which no benefits, including disability, death and medical benefits, have been paid, the claimant shall file medical records in support of his claim for benefits when filing a petition to controvert. If the claimant is unable to file the medical records in support of his claim for benefits at the time of filing the petition to controvert because of a limitation of time established by Section 71-3-35 or Section 71-3-53, the claimant shall file medical records in support of his claim within sixty (60) days after filing the petition to controvert.

(2) Where a preexisting physical handicap, disease, or lesion is shown by medical findings to be a material contributing factor in the results following injury, the compensation which, but for this subsection, would be payable shall be reduced by that proportion which such preexisting physical handicap, disease, or lesion contributed to the production of the results following the injury. The preexisting condition does not have to be occupationally disabling for this apportionment to apply.

(3) The following provisions shall apply to subsections (1) and (2) of this section:

(a) Apportionment shall not be applied until the claimant has reached maximum medical recovery.

(b) The employer or carrier does not have the power to determine the date of maximum medical recovery or percentage of

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apportionment. This must be done by the attorney-referee, subject to review by the commission as the ultimate finder of fact.

(c) After the date the claimant reaches maximum medical recovery, weekly compensation benefits and maximum recovery shall be reduced by that proportion which the preexisting physical handicap, disease, or lesion contributes to the results following injury.

(d) If maximum medical recovery has occurred before the hearing and order of the attorney-referee, credit for excess payments shall be allowed in future payments. Such allowances and method of accomplishment of the same shall be determined by the attorney-referee, subject to review by the commission. However, no actual repayment of such excess shall be made to the employer or carrier.

(4) No compensation shall be payable if the use of drugs illegally, or the use of a valid prescription medication(s) taken contrary to the prescriber's instructions and/or contrary to label warnings, or intoxication due to the use of alcohol of the employee was the proximate cause of the injury, or if it was the willful intention of the employee to injure or kill himself or another.

(5) Every employer to whom this chapter applies shall be liable for and shall secure the payment to his employees of the compensation payable under its provisions.

(6) In the case of an employer who is a subcontractor, the contractor shall be liable for and shall secure the payment of such compensation to employees of the subcontractor, unless the subcontractor has secured such payment.

SECTION 3. Section 71-3-15, Mississippi Code of 1972, is amended as follows:

71-3-15. (1) The employer shall furnish such medical, surgical, and other attendance or treatment, nurse and hospital service, medicine, crutches, artificial members, and other

apparatus for such period as the nature of the injury or the process of recovery may require. The injured employee shall have the right to accept the services furnished by the employer or, in his discretion, to select one (1) competent physician of his choosing and such other specialists to whom he is referred by his chosen physician to administer medical treatment. Referrals by the chosen physician shall be limited to one (1) physician within a specialty or subspecialty area. Except in an emergency requiring immediate medical attention, any additional selection of physicians by the injured employee or further referrals must be approved by the employer, if self-insured, or the carrier prior to obtaining the services of the physician at the expense of the employer or carrier. If denied, the injured employee may apply to the commission for approval of the additional selection or referral, and if the commission determines that such request is reasonable, the employee may be authorized to obtain such treatment at the expense of the employer or carrier. Approval by the employer or carrier does not require approval by the commission. A physician to whom the employee is referred by his employer shall not constitute the employee's selection, unless the employee, in writing, accepts the employer's referral as his own selection. However, if the employee is treated for his alleged work-related injury or occupational disease by a physician for six (6) months or longer, or if the employee has surgery for the alleged work-related injury or occupational disease performed by a physician, then that physician shall be deemed the employee's selection. Should the employer desire, he may have the employee examined by a physician other than of the employee's choosing for the purpose of evaluating temporary or permanent disability or medical treatment being rendered under such reasonable terms and conditions as may be prescribed by the commission. If at any time during such period the employee unreasonably refuses to submit to medical or surgical treatment, the commission shall, by order,

suspend the payment of further compensation during such time as such refusal continues, and no compensation shall be paid at any time during the period of such suspension; provided, that no claim for medical or surgical treatment shall be valid and enforceable, as against such employer, unless within twenty (20) days following the first treatment the physician or provider giving such treatment shall furnish to the employer, if self-insured, or its carrier, a preliminary report of such injury and treatment, on a form or in a format approved by the commission. Subsequent reports of such injury and treatment must be submitted at least every thirty (30) days thereafter until such time as a final report shall have been made. Reports which are required to be filed hereunder shall be furnished by the medical provider to the employer or carrier, and it shall be the responsibility of the employer or carrier receiving such reports to promptly furnish copies to the commission. The commission may, in its discretion, excuse the failure to furnish such reports within the time prescribed herein if it finds good cause to do so, and may, upon request of any party in interest, order or direct the employer or carrier to pay the reasonable value of medical services rendered to the employee.

(2) Whenever in the opinion of the commission a physician has not correctly estimated the degree of permanent disability or the extent of the temporary disability of an injured employee, the commission shall have the power to cause such employee to be examined by a physician selected by the commission, and to obtain from such physician a report containing his estimate of such disabilities. The commission shall have the power in its discretion to charge the cost of such examination to the employer, if he is a self-insurer, or to the insurance company which is carrying the risk.

(3) In carrying out this section, the commission shall establish an appropriate medical provider fee schedule, medical

cost containment system and utilization review which incorporates one or more medical review panels to determine the reasonableness of charges and the necessity for the services, and limitations on fees to be charged by medical providers for testimony and copying or completion of records and reports and other provisions which, at the discretion of the commission, are necessary to encompass a complete medical cost containment program. The commission may contract with a private organization or organizations to establish and implement such a medical cost containment system and fee schedule with the cost for administering such a system to be paid out of the administrative expense fund as provided in this chapter. All fees and other charges for such treatment or service shall be limited to such charges as prevail in the same community for similar treatment and shall be subject to regulation by the commission. No medical bill shall be paid to any doctor until all forms and reports required by the commission have been filed. Any employee receiving treatment or service under the provisions of this chapter may not be held responsible for any charge for such treatment or service, and no doctor, hospital or other recognized medical provider shall attempt to bill, charge or otherwise collect from the employee any amount greater than or in excess of the amount paid by the employer, if self-insured, or its workers' compensation carrier. Any dispute over the amount charged for service rendered under the provisions of this chapter, or over the amount of reimbursement for services rendered under the provisions of this chapter, shall be limited to and resolved between the provider and the employer or carrier in accordance with the fee dispute resolution procedures adopted by the commission.

(4) The liability of an employer for medical treatment as herein provided shall not be affected by the fact that his employee was injured through the fault or negligence of a third party, not in the same employ, provided the injured employee was engaged in the scope of his employment when injured. The employer

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shall, however, have a cause of action against such third party to recover any amounts paid by him for such medical treatment.

(5) An injured worker who believes that his best interest has been prejudiced by the findings of the physician designated by the employer or carrier shall have the privilege of a medical examination by a physician of his own choosing, at the expense of the carrier or employer. Such examination may be had at any time after injury and prior to the closing of the case, provided that the charge shall not exceed One Hundred Dollars (\$100.00) and shall be paid by the carrier or employer where the previous medical findings are upset, but paid by the employee if previous medical findings are confirmed.

(6) Medical and surgical treatment as provided in this section shall not be deemed to be privileged insofar as carrying out the provisions of this chapter is concerned. All findings pertaining to a second opinion medical examination, at the instance of the employer shall be reported as herein required within fourteen (14) days of the examination, except that copies thereof shall also be furnished by the employer or carrier to the employee. All findings pertaining to an independent medical examination by order of the commission shall be reported as provided in the order for such examination.

(7) Any medical benefits paid by reason of any accident or health insurance policy or plan paid for by the employer, which were for expenses of medical treatment under this section, are, upon notice to the carrier prior to payment by it, subject to subrogation in favor of the accident or health insurance company to the extent of its payment for medical treatment under this section. Reimbursement to the accident or health insurance company by the carrier or employer, to the extent of such reimbursement, shall constitute payment by the employer or carrier of medical expenses under this section. Under no circumstances,

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shall any subrogation be had by any insurance company against any compensation benefits paid under this chapter.

SECTION 4. Section 71-3-17, Mississippi Code of 1972, is amended as follows:

71-3-17. Compensation for disability shall be paid to the employee as follows:

(a) Permanent total disability: In case of total disability adjudged to be permanent, sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the average weekly wages of the injured employee, subject to the maximum limitations as to weekly benefits as set up in this chapter, shall be paid to the employee not to exceed four hundred fifty (450) weeks or an amount greater than the multiple of four hundred fifty (450) weeks times sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the average weekly wage for the state. Loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two (2) thereof shall constitute permanent total disability. In all other cases, permanent total disability shall be determined in accordance with the facts.

(b) Temporary total disability: In case of disability, total in character but temporary in quality, sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the average weekly wages of the injured employee, subject to the maximum limitations as to weekly benefits as set up in this chapter, shall be paid to the employee during the continuance of such disability not to exceed four hundred fifty (450) weeks or an amount greater than the multiple of four hundred fifty (450) weeks times sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the average weekly wage for the state. Provided, however, if there arises a conflict in medical opinions of whether or not the claimant has reached maximum medical recovery and the claimant's benefits have been terminated by the carrier, then the claimant may demand an immediate hearing before the commissioner upon five (5) days' notice to the carrier for a

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determination by the commission of whether or not in fact the claimant has reached maximum recovery.

(c) Permanent partial disability: In case of disability partial in character but permanent in quality, the compensation shall be sixty-six and two-thirds percent (66-2/3%) of the average weekly wages of the injured employee, subject to the maximum limitations as to weekly benefits as set up in this chapter, which shall be paid following compensation for temporary total disability paid in accordance with paragraph (b) of this section, and shall be paid to the employee as follows:

Member Lost	Number Weeks Compensation
(1) Arm	200
(2) Leg	175
(3) Hand	150
(4) Foot	125
(5) Eye	100
(6) Thumb	60
(7) First finger	35
(8) Great toe	30
(9) Second finger	30
(10) Third finger	20
(11) Toe other than great toe	10
(12) Fourth finger	15
(13) Testicle, one	50
(14) Testicle, both	150
(15) Breast, female, one	50
(16) Breast, female, both	150
(17) Loss of hearing:	Compensation for loss of hearing of one (1) ear, forty (40) weeks. Compensation for loss of hearing of both ears, one hundred fifty (150) weeks.
(18) Phalanges:	Compensation for loss of more than one (1) phalange of a digit shall be the same as for loss of the entire digit. Compensation for loss of the first phalange

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shall be one-half (1/2) of the compensation for loss of the entire digit.

(19) Amputated arm or leg: Compensation for an arm or leg, if amputated at or above wrist or ankle, shall be for the loss of the arm or leg.

(20) Binocular vision or percent of vision: Compensation for loss of binocular vision or for eighty percent (80%) or more of the vision of an eye shall be the same as for loss of the eye.

(21) Two (2) or more digits: Compensation for loss of two (2) or more digits, or one (1) or more phalanges of two (2) or more digits, of a hand or foot may be proportioned to the loss of the use of the hand or foot occasioned thereby, but shall not exceed the compensation for loss of a hand or foot.

(22) Total loss of use: Compensation for permanent total loss of use of a member shall be the same as for loss of the member.

(23) Partial loss or partial loss of use: Compensation for permanent partial loss or loss of use of a member may be for proportionate loss or loss of use of the member.

(24) Disfigurement: The commission, in its discretion, is authorized to award proper and equitable compensation for serious facial or head disfigurements not to exceed Five Thousand Dollars (\$5,000.00). No such award shall be made until a lapse of one (1) year from the date of the injury resulting in such disfigurement.

(25) Other cases: In all other cases in this class of disability, the compensation shall be sixty-six and two-thirds percent (66-2/3%) of the difference between his average weekly wages, subject to the maximum limitations as to weekly benefits as set up in this chapter, and his wage-earning capacity thereafter in the same employment or otherwise, payable during the continuance of such partial disability, but subject to

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reconsideration of the degree of such impairment by the commission on its own motion or upon application of any party in interest. Such payments shall in no case be made for a longer period than four hundred fifty (450) weeks.

(26) In any case in which there shall be a loss of, or loss of use of, more than one (1) member or parts of more than one (1) member set forth in subparagraphs (1) through (23) of this paragraph (c), not amounting to permanent total disability, the award of compensation shall be for the loss of, or loss of use of, each such member or parts thereof, which awards shall run consecutively, except that where the injury affects only two (2) or more digits of the same hand or foot, subparagraph (21) of this paragraph (c) shall apply.

SECTION 5. Section 71-3-19, Mississippi Code of 1972, is amended as follows:

71-3-19. An employee who as a result of injury is or may be expected to be totally or partially incapacitated for a remunerative occupation and who, under the direction of the commission is being rendered fit to engage in a remunerative occupation may, in the discretion of the commission under regulations adopted by it, receive additional compensation necessary for his maintenance, but such additional compensation shall not exceed Twenty-five Dollars (\$25.00) a week for not more than fifty-two (52) weeks.

SECTION 6. Section 71-3-25, Mississippi Code of 1972, is amended as follows:

71-3-25. If the injury causes death, the compensation shall be known as a death benefit and shall be payable in the amount and to or for the benefit of the persons following:

(a) An immediate lump-sum payment of One Thousand Dollars (\$1,000.00) to the surviving spouse, in addition to other compensation benefits.

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(b) Reasonable funeral expenses not exceeding Five Thousand Dollars (\$5,000.00) exclusive of other burial insurance or benefits.

(c) If there be a surviving spouse and no child of the deceased, to such surviving spouse thirty-five percent (35%) of the average wages of the deceased during widowhood or dependent widowhood and, if there be a surviving child or children of the deceased, the additional amount of ten percent (10%) of such wages for each such child. In case of the death or remarriage of such surviving spouse, any surviving child of the deceased employee shall have his compensation increased to fifteen percent (15%) of such wages, provided that the total amount payable shall in no case exceed sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of such wages, subject to the maximum limitations as to weekly benefits as set up in this chapter. The commission may, in its discretion, require the appointment of a guardian for the purpose of receiving the compensation of a minor dependent. In the absence of such a requirement, the appointment of a guardian for such purposes shall not be necessary, provided that if no legal guardian be appointed, payment to the natural guardian shall be sufficient.

(d) If there be a surviving child or children of the deceased but no surviving spouse, then for the support of each such child twenty-five percent (25%) of the wages of the deceased, provided that the aggregate shall in no case exceed sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of such wages, subject to the maximum limitations as to weekly benefits as set up in this chapter.

(e) If there be no surviving spouse or child, or if the amount payable to a surviving spouse and to children shall be less in the aggregate than sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the average wages of the deceased, subject to the maximum limitations as to weekly benefits as set up in this chapter, then for the support of grandchildren or brothers and sisters, if dependent upon the deceased at the time of the injury, fifteen

percent (15%) of such wages for the support of each such person; and for the support of each parent or grandparent of the deceased, if dependent upon him at the time of injury, fifteen percent (15%) of such wages during such dependency. But in no case shall the aggregate amount payable under this subsection exceed the difference between sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of such wages and the amount payable as hereinbefore provided to surviving spouse and for the support of surviving child or children, subject to the maximum limitations as to weekly benefits as set up in this chapter.

(f) The total weekly compensation payments to any or all beneficiaries in death cases shall not exceed the weekly benefits as set up in this chapter and shall in no case be paid for a longer period than four hundred fifty (450) weeks or for a greater amount than the multiple of four hundred fifty (450) weeks times sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the average weekly wage for the state.

(g) All questions of dependency shall be determined as of the time of the injury. A surviving spouse, child or children, shall be presumed to be wholly dependent. All other dependents shall be considered on the basis of total or partial dependence as the facts may warrant.

SECTION 7. Section 71-3-63, Mississippi Code of 1972, is amended as follows:

71-3-63. (1) No claim for legal services or for any other services rendered in respect of a claim or award for compensation, to or on account of any person, shall be valid unless approved by the commission or, if proceedings for review of the order of the commission in respect of such claim or award are had before any court, unless approved by such court. Any claim so approved shall, in the manner and to the extent fixed by the commission or such court, be a lien upon such compensation.

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(2) Any person (a) who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such consideration or gratuity is approved by the commission or such court, or (b) who makes it a business to solicit employment for a lawyer or for himself in respect of any claim or award for compensation, shall be guilty of a misdemeanor and, upon conviction thereof, shall for each offense be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(3) Representation of one other than himself or herself before the commission shall be considered the practice of law, and all statutes applying to and regulating the practice in all other courts of law in this state shall likewise apply to practice before the commission, insofar as the qualifications of those practicing before the commission are concerned. This paragraph shall not be construed as tightening the rules of evidence which are otherwise relaxed in other sections of this chapter.

In no instance shall the amount recovered by an attorney for an appearance before the commission exceed twenty-five percent (25%) of the total award of compensation. Such limitations, however, shall not be construed as applying to a fee awarded for additional services by any superior court. Legal services rendered where no motion to controvert has been filed by either employer or employee shall be considered as consultation, and that factor shall be taken into consideration in awarding a fee.

Attorneys may not recover attorney's fees based upon benefits voluntarily paid to an injured employee for temporary or permanent disability. Any settlement negotiated by an attorney shall not be considered a voluntary payment. In all instances, fees shall be awarded on the basis of fairness to both attorney and client. Although exceptions may be made in the interest of justice, it shall be deemed conducive to the best interest of all concerned

for the commission to approve contracts for attorney's fees voluntarily entered into between attorney and client, within the limitations hereinabove set out.

When an award of compensation becomes final and an attorney's fee is outstanding, a partial lump-sum settlement sufficient to cover the attorney's fee approved therein by the commission shall be made immediately, from payments last to become due, and the deductions allowed by the law shall be borne equally by the attorney and the client.

SECTION 8. Section 71-3-121, Mississippi Code of 1972, is amended as follows:

71-3-121. * * *

(1) In the event that an employee sustains an injury at work or asserts a work-related injury, the employer shall have the right to administer drug and alcohol testing or require that the employee submit himself to drug and alcohol testing. If the employee has a positive test indicating the presence, at the time of injury, of any drug illegally used or the use of a valid prescription medication(s) taken contrary to the prescriber's instructions and/or contrary to label warnings, or eight one-hundredths percent (.08%) or more by weight volume of alcohol in the person's blood, it shall be presumed that the proximate cause of the injury was the use of a drug illegally, or the use of a valid prescription medication(s) taken contrary to the prescriber's instructions and/or contrary to label warnings, or the intoxication due to the use of alcohol by the employee. If the employee refuses to submit himself to drug and alcohol testing immediately after the alleged work-related injury, then it shall be presumed that the employee was using a drug illegally, or was using a valid prescription medication(s) contrary to the prescriber's instructions and/or contrary to label warnings, or was intoxicated due to the use of alcohol at the time of the accident and that the proximate cause of the injury was the use of

a drug illegally, or the use of a valid prescription medication(s) taken contrary to the prescriber's instructions and/or contrary to label warnings, or the intoxication due to the use of alcohol of the employee. The burden of proof will then be placed upon the employee to prove that the use of drugs illegally, or the use of a valid prescription medication(s) taken contrary to the prescriber's instructions and/or contrary to label warnings, or intoxication due to the use of alcohol was not a contributing cause of the accident in order to defeat the defense of the employer provided under Section 71-3-7.

(2) The results of the drug and alcohol tests, employer-administered or otherwise, shall be considered admissible evidence solely on the issue of causation in the determination of the use of drugs illegally, or the use of a valid prescription medication(s) taken contrary to the prescriber's instructions and/or contrary to label warnings, or the intoxication due to the use of alcohol of an employee at the time of injury for workers' compensation purposes under Section 71-3-7.

(3) No cause of action for defamation of character, libel, slander or damage to reputation arises in favor of any person against an employer under the provisions of this section.

SECTION 9. Section 71-7-5, Mississippi Code of 1972, is amended as follows:

71-7-5. (1) Except as otherwise provided in Section 71-7-27, all drug and alcohol testing conducted by employers shall be in conformity with the standards established in this section, other applicable provisions of this chapter, and all applicable regulations promulgated pursuant to this chapter.

(2) An employer is authorized to conduct the following types of drug and alcohol tests:

(a) Employers may require job applicants to submit to a drug and alcohol test as a condition of the employment application

and may use a refusal to submit to a test or positive confirmed test result as a basis for refusal to hire.

(b) An employer may require all employees to submit to reasonable suspicion drug and alcohol testing. There is created a rebuttable presumption that the employer had reasonable suspicion to test for drugs if the specimen provided by the employee tested positive for drugs in a confirmatory drug test.

(c) An employer may require all employees to submit to neutral selection drug and alcohol testing pursuant to Section 71-7-9.

(d) An employer may administer drug and alcohol testing or require that the employee submit himself to drug and alcohol testing as provided under Section 71-3-121 in the event that the employee sustains an injury at work or asserts a work-related injury.

SECTION 10. The Workers' Compensation Commission shall promulgate a written statement specifying the changes made to the Workers' Compensation Law by this act to every employer in this state subject to the Workers' Compensation Law. Within ten (10) days of receipt of this written statement from the Commission, every employer shall post the Commission's statement in a conspicuous place or places in and about his place or places of business and adjacent to the Notice of Coverage as required by Section 71-3-81.

SECTION 11. This act shall take effect and be in force from and after July 1, 2012, and shall apply to injuries occurring on or after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2580

Description: Perpetual care cemeteries; prohibit encumbrance of plots.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2012

Chapter Number: 565

History of Actions:

- 1 02/20 (S) Referred To Insurance
- 2 02/29 (S) Title Suff Do Pass
- 3 03/07 (S) Passed
- 4 03/08 (S) Transmitted To House
- 5 03/14 (H) Referred To Judiciary A
- 6 03/28 (H) Title Suff Do Pass
- 7 04/04 (H) Amended
- 8 04/04 (H) Passed As Amended
- 9 04/09 (H) Returned For Concurrence
- 10 04/12 (S) Decline to Concur/Invite Conf
- 11 04/24 (S) Conferees Named Carmichael, Longwitz, Parks
- 12 04/25 (H) Conferees Named Baker, Reynolds, Banks
- 13 04/28 (S) Conference Report Filed
- 14 04/28 (H) Conference Report Filed
- 15 04/30 (H) Conference Report Adopted
- 16 05/01 (S) Conference Report Adopted
- 17 05/07 (S) Enrolled Bill Signed
- 18 05/08 (H) Enrolled Bill Signed
- 19 05/23 Approved by Governor

Amendments:

[H] Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2580

Conference Reports:

Conference Report

Code Section: A 041-0043-0037

----- Additional Information -----

Senate Committee: Insurance

House Committee: Judiciary A

Principal Author: Longwitz

Additional Authors: Jackson (11th)

2012 GENERAL LAWS OF MISSISSIPPI, SB 2580

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Longwitz, Jackson (11th)

To: Insurance

SENATE BILL NO. 2580 (As Sent to Governor)

AN ACT TO AMEND SECTION 41-43-37, MISSISSIPPI CODE OF 1972, TO REQUIRE PAYMENT INTO A PERPETUAL CARE TRUST FUND FOR THE PLACEMENT OF AN ABOVE-GROUND, FREE-STANDING OR PRIVATE MAUSOLEUM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-43-37, Mississippi Code of 1972, is amended as follows:

41-43-37. (1) The owner of every cemetery, subject to the provisions of Section 41-43-31 et seq., that is organized, begins or continues to do business in the State of Mississippi after July 1, 2009, shall provide for the creation and establishment of an irrevocable perpetual care trust fund, the principal of which shall permanently remain intact except as hereinafter provided and only the income thereof shall be devoted to the perpetual care of the cemetery. The perpetual care trust fund shall not be subject to the claims of the cemetery's creditors and shall not be used as collateral, pledged, encumbered or placed at risk. This fund shall be created and established as follows:

(a) In respect to a cemetery for earth burials, by the application and payment thereto of an amount equivalent to fifteen percent (15%) of the sale price, or Forty Cents (40¢) per square foot of ground interment rights sold, whichever is greater;

(b) In respect to an above-ground community or public mausoleum, by the application and payment thereto of an amount equivalent to five percent (5%) of the sale price, or Fifty Dollars (\$50.00) per crypt sold, whichever is greater; * * *

(c) In respect to the placement of an above-ground, free-standing or private mausoleum, by the application and payment

thereof of an amount equivalent to fifteen percent (15%) of the sale price for the ground interment right upon which the private mausoleum is installed and five percent (5%) of the sales price as determined by the customer's invoice for the purchase price of the private mausoleum; and

(d) In respect to a community columbarium, by the application and payment thereto of an amount equivalent to five percent (5%) of the sale price, or Ten Dollars (\$10.00) per niche sold, whichever is greater.

For any sale of a lot for an earth burial, mausoleum crypt or columbarium niche in which payment is made by the purchaser on an installment basis over time, the percentage required to be trusted shall be paid into the perpetual care trust fund calculated on each payment.

(2) From the sale price the owner shall pay to the perpetual care fund an amount in proportion to the requirements in subsection (1) of this section, which payment shall be in cash, check, money order or electronic transfer and shall be deposited with the custodian or trustee of the fund not later than the fifth day of the following month from when funds are received.

(3) If the perpetual care trust fund principal is Fifty Thousand Dollars (\$50,000.00) or less, a perpetual care cemetery may maintain certificates of deposit that mature every thirty (30) days issued by an institution whose deposits are insured by the Federal Deposit Insurance Corporation. Certificates of deposits held by a cemetery for perpetual care under this subsection shall renew automatically with all earned interest added to principal for each successive renewal. Collections owed to trust from sales under subsection (1) of this section shall be added upon the next maturity date of the certificate rather than the fifth day of the following month as required by subsection (2) of this section. Certificates of deposit meeting the requirements of this subsection shall contain the words, "For Perpetual Care," in the

caption of the certificate. Each perpetual care cemetery electing to maintain certificates of deposit under this subsection shall file documentation from the issuer with the Office of the Secretary of State with the submission of the annual report. Once the perpetual care principal from the cemetery's operations exceeds Fifty Thousand Dollars (\$50,000.00), such funds shall be held in an irrevocable trust managed by a trustee and governed by a trust instrument.

(4) In addition to the provisions of subsections (1) and (2) of this section, any cemetery organized after July 1, 2009, or any mausoleum or columbarium that is built at any location other than upon property owned by an existing cemetery after that date, whether it is by incorporation, association, individually or by any other means, or having its first burial after that date, shall, before disposing of any burial lot or right or making any sale thereof and/or making its first burial, cause to be deposited the sum of Twenty-five Thousand Dollars (\$25,000.00) in cash into an irrevocable perpetual care trust fund as provided in subsection (1) of this section for the maintenance of the cemetery.

(5) Whenever the cemetery has deposited in the perpetual care fund, as required by this section, a sum amounting to Fifty Thousand Dollars (\$50,000.00), it shall submit proof of that fact to its trustee, and it shall be the duty of the trustee to thereupon pay over to the cemetery the amount of Twenty-five Thousand Dollars (\$25,000.00) so originally deposited by it in the perpetual care fund.

(6) The perpetual care fund shall be permanently set aside in trust to be administered under the jurisdiction of the Secretary of State. The Secretary of State shall have full jurisdiction over the reports and accounting of trustees and the amount of a surety bond required, if any. The trust officer or trustee responsible for the investment of funds shall be affiliated with an established bank, trust company, other

financial institution or financial services company. Only the income from the fund shall be used for the care and maintenance of the cemetery for which it was established.

(7) Each geographic location of a cemetery shall constitute a separate and distinct cemetery for the purpose of interpretation and application of this section.

(8) The Secretary of State shall develop and implement a registration system for perpetual care cemeteries subject to this chapter. The Secretary of State is authorized to promulgate rules and regulations for the development and implementation of a statewide registry and to collect a registration fee not to exceed Twenty-five Dollars (\$25.00) per year to be paid at the same time as the reports and accountings required by Section 41-43-38 are due.

(9) To assist with the development of a statewide registry of perpetual care cemeteries, the county boards of supervisors in conjunction with the chancery clerks shall provide the Secretary of State with a list of all perpetual care cemeteries and other pertinent information regarding perpetual care cemeteries situated in their respective counties no later than October 31, 2009.

SECTION 2. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

Senate Bill 2598

Description: Juvenile Detention Efficiency and Center Licensing Act of 2012; create.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 564

History of Actions:

- 1 02/20 (S) Referred To Corrections
- 2 03/06 (S) Title Suff Do Pass Comm Sub
- 3 03/14 (S) Committee Substitute Adopted
- 4 03/14 (S) Amended
- 5 03/14 (S) Passed As Amended
- 6 03/16 (S) Transmitted To House
- 7 03/21 (H) Referred To Youth and Family Affairs;Corrections
- 8 03/26 (H) DR - TSDPAA: YF To CN
- 9 04/02 (H) DR - TSDPAA: CN To YF
- 10 04/02 (H) Title Suff Do Pass As Amended
- 11 04/10 (H) Amended
- 12 04/10 (H) Passed As Amended
- 13 04/13 (H) Returned For Concurrence
- 14 04/20 (S) Decline to Concur/Invite Conf
- 15 04/24 (S) Conferees Named Jackson (32nd), Simmons (13th), Tollison
- 16 04/25 (H) Conferees Named Hines, Thomas, Barton
- 17 04/25 (H) Conferees Named Hines, Thomas, Morgan
- 18 04/30 (S) Conference Report Filed
- 19 04/30 (H) Conference Report Filed
- 20 05/01 (S) Conference Report Adopted
- 21 05/01 (H) Conference Report Adopted
- 22 05/07 (S) Enrolled Bill Signed
- 23 05/08 (H) Enrolled Bill Signed
- 24 05/23 Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub) *Adopted*

[H] Committee Amendment No 1 *Adopted*

[H] Amendment No 1 to Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2598

Conference Reports:

Conference Report

Code Section: A 043-0021-0159, A 043-0021-0301, A 043-0021-0321

----- Additional Information -----

Senate Committee: Corrections

House Committee: Youth and Family Affairs, Corrections

Principal Author: Simmons (13th)

Additional Authors: Butler (36th)

2012 GENERAL LAWS OF MISSISSIPPI, SB 2598

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Simmons (13th), Butler (36th) To: Corrections

SENATE BILL NO. 2598
(As Sent to Governor)

AN ACT TO CREATE THE JUVENILE DETENTION EFFICIENCY AND CENTER LICENSING ACT; TO AMEND SECTION 43-21-159, MISSISSIPPI CODE OF 1972, TO REVISE THE JURISDICTION OF THE YOUTH COURTS WITH RESPECT TO IMPLIED CONSENT LAW VIOLATIONS; TO AMEND SECTION 43-21-301, MISSISSIPPI CODE OF 1972, TO REQUIRE A YOUTH COURT JUDGE OR HIS DESIGNEE TO ISSUE AN ORDER BEFORE A CHILD MAY BE TAKEN INTO CUSTODY; TO AMEND SECTION 43-21-321, MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN STANDARDS FOR JUVENILE DETENTION CENTERS REGARDING DETAINING YOUTH IN LOCKED CELLS; TO REVISE REQUIREMENTS CONCERNING INSTRUCTION PROGRAMS IN DETENTION CENTERS; TO ESTABLISH THE JUVENILE DETENTION AND ALTERNATIVES TASK FORCE AND ITS ADVISORY GROUP; TO PRESCRIBE THE TASK FORCE MEMBERSHIP AND DUTIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-21-159, Mississippi Code of 1972, is amended as follows:

43-21-159. (1) When a person appears before a court other than the youth court, and it is determined that the person is a child under jurisdiction of the youth court, such court shall, unless the jurisdiction of the offense has been transferred to such court as provided in this chapter, or unless the child has previously been the subject of a transfer from the youth court to the circuit court for trial as an adult and was convicted, immediately dismiss the proceeding without prejudice and forward all documents pertaining to the cause to the youth court; and all entries in permanent records shall be expunged. The youth court shall have the power to order and supervise the expunction or the destruction of such records in accordance with Section 43-21-265. Upon petition therefor, the youth court shall expunge the record of any case within its jurisdiction in which an arrest was made,

the person arrested was released and the case was dismissed or the charges were dropped or there was no disposition of such case.

In cases where the child is charged with a hunting or fishing violation or a traffic violation, whether it be any state or federal law, a violation of the Mississippi Implied Consent Law, or municipal ordinance or county resolution, or where the child is charged with a violation of Section 67-3-70, the appropriate criminal court shall proceed to dispose of the same in the same manner as for other adult offenders and it shall not be necessary to transfer the case to the youth court of the county. However, unless the cause has been transferred, or unless the child has previously been the subject of a transfer from the youth court to the circuit court for trial as an adult * * * and was convicted, the youth court shall have power on its own motion to remove jurisdiction from any criminal court of any offense including a hunting or fishing violation, a traffic violation, a violation of the Mississippi Implied Consent Law, or a violation of Section 67-3-70, committed by a child in a matter under the jurisdiction of the youth court and proceed therewith in accordance with the provisions of this chapter.

(2) After conviction and sentence of any child by any other court having original jurisdiction on a misdemeanor charge, and within the time allowed for an appeal of such conviction and sentence, the youth court of the county shall have the full power to stay the execution of the sentence and to release the child on good behavior or on other order as the youth court may see fit to make unless the child has previously been the subject of a transfer from the youth court to the circuit court for trial as an adult and was convicted. When a child is convicted of a misdemeanor and is committed to, incarcerated in or imprisoned in a jail or other place of detention by a criminal court having proper jurisdiction of such charge, such court shall notify the youth court judge or the judge's designee of the conviction and

sentence prior to the commencement of such incarceration. The youth court shall have the power to order and supervise the destruction of any records involving children maintained by the criminal court in accordance with Section 43-21-265. However, the youth court shall have the power to set aside a judgment of any other court rendered in any matter over which the youth court has exclusive original jurisdiction, to expunge or destroy the records thereof in accordance with Section 43-21-265, and to order a refund of fines and costs.

(3) Nothing in subsection (1) or (2) shall apply to a youth who has a pending charge or a conviction for any crime over which circuit court has original jurisdiction.

(4) In any case wherein the defendant is a child as defined in this chapter and of which the circuit court has original jurisdiction, the circuit judge, upon a finding that it would be in the best interest of such child and in the interest of justice, may at any stage of the proceedings prior to the attachment of jeopardy transfer such proceedings to the youth court for further proceedings unless the child has previously been the subject of a transfer from the youth court to the circuit court for trial as an adult and was convicted or has previously been convicted of a crime which was in original circuit court jurisdiction, and the youth court shall, upon acquiring jurisdiction, proceed as provided in this chapter for the adjudication and disposition of delinquent child proceeding proceedings. If the case is not transferred to the youth court and the youth is convicted of a crime by any circuit court, the trial judge shall sentence the youth as though such youth was an adult. The circuit court shall not have the authority to commit such child to the custody of the Department of Youth Services for placement in a state-supported training school.

(5) In no event shall a court sentence an offender over the age of eighteen (18) to the custody of the Division of Youth Services for placement in a state-supported training school.

(6) When a child's driver's license is suspended by the youth court for any reason, the clerk of the youth court shall report the suspension, without a court order under Section 43-21-261, to the Commissioner of Public Safety in the same manner as such suspensions are reported in cases involving adults.

(7) No offense involving the use or possession of a firearm by a child who has reached his fifteenth birthday and which, if committed by an adult would be a felony, shall be transferred to the youth court.

SECTION 2. Section 43-21-301, Mississippi Code of 1972, is amended as follows:

43-21-301. (1) No court other than the youth court shall issue an arrest warrant or custody order for a child in a matter in which the youth court has exclusive original jurisdiction but shall refer the matter to the youth court.

(2) Except as otherwise provided, no child in a matter in which the youth court has exclusive original jurisdiction shall be taken into custody by a law enforcement officer, the Department of Human Services, or any other person unless the judge or his designee has issued a custody order to take the child into custody.

(3) The judge or his designee may * * * require a law enforcement officer, the Department of Human Services, or any suitable person to take a child into custody for a period not longer than forty-eight (48) hours, excluding Saturdays, Sundays, and statutory state holidays.

(a) Custody orders under this subsection may be issued if it appears that there is probable cause to believe that:

(i) The child is within the jurisdiction of the court; * * *

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(ii) Custody is necessary * * * because of any of the following reasons: the child is endangered, any person would be endangered by the child, * * * to ensure the child's attendance in court at such time as required, or * * * a parent, guardian or custodian is not available to provide for the care and supervision of the child; and

(iii) There is no reasonable alternative to custody.

(b) Custody orders under this subsection shall be written. In emergency cases, a judge or his designee may issue an oral custody order, but the order shall be reduced to writing within forty-eight (48) hours of its issuance.

(c) Each youth court judge shall develop and make available to law enforcement a list of designees who are available after hours, on weekends and on holidays.

(4) The judge or his designee may order, orally or in writing, the immediate release of any child in the custody of any person or agency. Except as otherwise provided in subsection (3) of this section, custody orders as provided by this chapter and authorizations of temporary custody may be written or oral, but, if oral, reduced to writing as soon as practicable. The written order shall:

(a) Specify the name and address of the child, or, if unknown, designate him or her by any name or description by which he or she can be identified with reasonable certainty;

(b) Specify the age of the child, or, if unknown, that he or she is believed to be of an age subject to the jurisdiction of the youth court;

(c) Except in cases where the child is alleged to be a delinquent child or a child in need of supervision, state that the effect of the continuation of the child's residing within his or her own home would be contrary to the welfare of the child, that the placement of the child in foster care is in the best interests

of the child, and unless the reasonable efforts requirement is bypassed under Section 43-21-603(7)(c), also state that (i) reasonable efforts have been made to maintain the child within his or her own home, but that the circumstances warrant his removal and there is no reasonable alternative to custody; or (ii) the circumstances are of such an emergency nature that no reasonable efforts have been made to maintain the child within his own home, and that there is no reasonable alternative to custody. If the court makes a finding in accordance with (ii) of this paragraph, the court shall order that reasonable efforts be made towards the reunification of the child with his or her family;

(d) State that the child shall be brought immediately before the youth court or be taken to a place designated by the order to be held pending review of the order;

(e) State the date issued and the youth court by which the order is issued; and

(f) Be signed by the judge or his designee with the title of his office.

(5) The taking of a child into custody shall not be considered an arrest except for evidentiary purposes.

(6) (a) No child who has been accused or adjudicated of any offense that would not be a crime if committed by an adult shall be placed in an adult jail or lockup. An accused status offender shall not be held in secure detention longer than twenty-four (24) hours prior to and twenty-four (24) hours after an initial court appearance, excluding Saturdays, Sundays and statutory state holidays, except under the following circumstances: a status offender may be held in secure detention for violating a valid court order pursuant to the criteria as established by the federal Juvenile Justice and Delinquency Prevention Act of 2002, and any subsequent amendments thereto, and out-of-state runaways may be detained pending return to their home state.

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(b) No accused or adjudicated juvenile offender, except for an accused or adjudicated juvenile offender in cases where jurisdiction is waived to the adult criminal court, shall be detained or placed into custody of any adult jail or lockup for a period in excess of six (6) hours.

(c) If any county violates the provisions of paragraph (a) or (b) of this subsection, the state agency authorized to allocate federal funds received pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974, 88 Stat. 2750 (codified in scattered Sections of 5, 18, 42 USCS), shall withhold the county's share of such funds.

(d) Any county that does not have a facility in which to detain its juvenile offenders in compliance with the provisions of paragraphs (a) and (b) of this subsection may enter into a contractual agreement to detain or place into custody the juvenile offenders of that county with any county or municipality that does have such a facility, or with the State of Mississippi, or with any private entity that maintains a juvenile correctional facility * * *.

(e) Notwithstanding the provisions of paragraphs (a), (b), (c) and (d) of this subsection, all counties shall be allowed a one-year grace period from March 27, 1993, to comply with the provisions of this subsection.

SECTION 3. Section 43-21-321, Mississippi Code of 1972, is amended as follows:

43-21-321. (1) All juveniles shall undergo a health screening within one (1) hour of admission to any juvenile detention center, or as soon thereafter as reasonably possible. Information obtained during the screening shall include, but shall not be limited to, the juvenile's:

- (a) Mental health;
- (b) Suicide risk;
- (c) Alcohol and other drug use and abuse;

- (d) Physical health;
- (e) Aggressive behavior;
- (f) Family relations;
- (g) Peer relations;
- (h) Social skills;
- (i) Educational status; and
- (j) Vocational status.

(2) If the screening instrument indicates that a juvenile is in need of emergency medical care or mental health intervention services, the detention staff shall refer those juveniles to the proper health care facility or community mental health service provider for further evaluation, as soon as reasonably possible. If the screening instrument, such as the Massachusetts Youth Screening Instrument version 2 (MAYSI-2) or other comparable mental health screening instrument indicates that the juvenile is in need of emergency medical care or mental health intervention services, the detention staff shall refer the juvenile to the proper health care facility or community mental health service provider for further evaluation, recommendation and referral for treatment, if necessary * * *.

(3) All juveniles shall receive a thorough orientation to the center's procedures, rules, programs and services. The intake process shall operate twenty-four (24) hours per day.

(4) The directors of all of the juvenile detention centers shall amend or develop written procedures for admission of juveniles who are new to the system. These shall include, but are not limited to, the following:

- (a) Determine that the juvenile is legally committed to the facility;
- (b) Make a complete search of the juvenile and his possessions;
- (c) Dispose of personal property;
- (d) Require shower and hair care, if necessary;

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- (e) Issue clean, laundered clothing, as needed;
- (f) Issue personal hygiene articles;
- (g) Perform medical, dental and mental health screening;
- (h) Assign a housing unit for the juvenile;
- (i) Record basic personal data and information to be used for mail and visiting lists;
- (j) Assist juveniles in notifying their families of their admission and procedures for mail and visiting;
- (k) Assign a registered number to the juvenile; and
- (l) Provide written orientation materials to the juvenile.

(5) If a student's detention will cause him or her to miss one or more days of school during the academic school year, the detention center staff shall notify school district officials where the detainee last attended school by the first school day following the student's placement in the facility. Detention center staff shall not disclose youth court records to the school district, except as provided by Section 43-21-261.

(6) All juvenile detention centers shall adhere to the following minimum standards:

(a) Each center shall have a manual that states the policies and procedures for operating and maintaining the facility, and the manual shall be reviewed annually and revised as needed;

(b) Each center shall have a policy that specifies support for a drug-free workplace for all employees, and the policy shall, at a minimum, include the following:

- (i) The prohibition of the use of illegal drugs;
- (ii) The prohibition of the possession of any illegal drugs except in the performance of official duties;
- (iii) The procedure used to ensure compliance with a drug-free workplace policy;

(iv) The opportunities available for the treatment and counseling for drug abuse; and

(v) The penalties for violation of the drug-free workplace policy;

(c) Each center shall have a policy, procedure and practice that ensures that personnel files and records are current, accurate and confidential;

(d) Each center shall promote the safety and protection of juvenile detainees from personal abuse, corporal punishment, personal injury, disease, property damage and harassment;

(e) Each center shall have written policies that allow for mail and telephone rights for juvenile detainees, and the policies are to be made available to all staff and reviewed annually;

(f) Center food service personnel shall implement sanitation practices based on State Department of Health food codes;

(g) Each center shall provide juveniles with meals that are nutritionally adequate and properly prepared, stored and served according to the State Department of Health food codes;

(h) Each center shall offer special diet food plans to juveniles under the following conditions:

(i) When prescribed by appropriate medical or dental staff; or

(ii) As directed or approved by a registered dietitian or physician; and

(iii) As a complete meal service and not as a supplement to or choice between dietary meals and regular meals;

(i) Each center shall serve religious diets when approved and petitioned in writing by a religious professional on behalf of a juvenile and approved by the juvenile detention center director;

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(j) Juvenile detention center directors shall provide a written method of ensuring regular monitoring of daily housekeeping, pest control and sanitation practices, and centers shall comply with all federal, state and local sanitation and health codes;

(k) Juvenile detention center staff shall screen detainees for medical, dental and mental health needs during the intake process. If the screening indicates that medical, dental or mental health assistance is * * * required or necessary, or if the intake officer deems it necessary, the detainee shall be provided access to appropriate health care professionals for evaluation and treatment * * *. A medical history of all detainees shall be completed by the intake staff of the detention center immediately after arrival at the facility by using a medical history form which shall include, but not be limited to, the following:

(i) Any medical, dental and mental health treatments and medications the juvenile is taking;

(ii) Any chronic health problems such as allergies, seizures, diabetes, hearing or sight loss, hearing conditions or any other health problems; and

(iii) Documentation of all medications administered and all health care services rendered;

(l) Juvenile detention center detainees shall be provided access to medical care and treatment while in custody of the facility;

(m) Each center shall provide reasonable access by youth services or county counselors for counseling opportunities. The youth service or county counselor shall visit with detainees on a regular basis;

(n) Juvenile detention center detainees shall be referred to other counseling services when necessary including: mental health services; crisis intervention; referrals for

treatment of drugs and alcohol and special offender treatment groups;

(o) Each center shall have a policy that restricts the time a youth can be confined to a locked cell to the following circumstances:

(i) When a youth is sleeping or sick;

(ii) When a youth is on punishment;

(iii) When there is an emergency that poses a threat to the security of the center;

(iv) When the youth has voluntarily requested cell confinement;

(v) When no less restrictive alternative exists and the youth is placed in protective custody because of a threat to his safety;

(p) Local school districts shall work collaboratively with juvenile detention center staff to provide special education services as required by state and federal law. Upon the written request of the youth court judge for the county in which the detention center is located, a local school district in the county in which the detention center is located, or a private provider agreed upon by the youth court judge and sponsoring school district, shall provide a certified teacher to provide educational services to detainees. The youth court judge shall designate the school district which shall be defined as the sponsoring school district. The local home school district shall be defined as the school district where the detainee last attended prior to detention. Teacher selection shall be in consultation with the youth court judge. The Legislature shall annually appropriate sufficient funds for the provision of educational services, as provided under this section, to detainees in detention centers;

(q) The sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district, shall be responsible for providing the * * *

instructional program for the detainee while in detention. After forty-eight (48) hours of detention, * * * excluding legal holidays and weekends * * *, the detainee shall receive the following services which may be computer-based:

(i) Diagnostic assessment of grade-level mastery of reading and math skills;

(ii) Individualized instruction and practice to address any weaknesses identified in the assessment conducted under subparagraph (i), provided such detainee is in the center for more than forty-eight (48) hours; and

(iii) Character education to improve behavior;

(r) No later than the tenth day of detention, * * * the detainee shall begin an extended detention education program. A team consisting of a certified teacher provided by the local sponsoring school district or a private provider agreed upon by the youth court judge and sponsoring school district, the appropriate official from the local home school district, and the youth court counselor or representative will develop an individualized education program for the detainee, where appropriate as determined by the teacher of the sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district. The detainee's parent or guardian shall participate on the team unless excused by the youth court judge. Failure of any party to participate shall not delay implementation of this education program;

(s) The sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district, shall provide the detention center with an appropriate and adequate computer lab to serve detainees. The Legislature shall annually appropriate sufficient funds to equip and maintain the computer labs. The computer lab shall become the property of the detention centers and the sponsoring school districts shall maintain and update the labs;

(t) The Mississippi Department of Education will collaborate with the appropriate state and local agencies, juvenile detention centers and local school districts to ensure the provision of educational services to every student placed in a juvenile detention center. The Mississippi Department of Education has the authority to develop and promulgate policies and procedures regarding financial reimbursements to the sponsoring school district from school districts that have students of record or compulsory-school-age residing in said districts placed in a youth detention center. Such services may include, but not be limited to: assessment and math and reading instruction, character education and behavioral counseling. The Mississippi Department of Education shall work with the appropriate state and local agencies, juvenile detention centers and local school districts to annually determine the proposed costs for educational services to youth placed in juvenile detention centers and annually request sufficient funding for such services as necessary;

(u) Recreational services shall be made available to juvenile detainees for purpose of physical exercise;

(v) Juvenile detention center detainees shall have the opportunity to participate in the practices of their religious faith as long as such practices do not violate facility rules and are approved by the director of the juvenile detention center;

(w) Each center shall provide sufficient space for a visiting room, and the facility shall encourage juveniles to maintain ties with families through visitation, and the detainees shall be allowed the opportunity to visit with the social workers, counselors and lawyers involved in the juvenile's care;

(x) Juvenile detention centers shall ensure that staffs create transition planning for youth leaving the facilities. Plans shall include providing the youth and his or her parents or guardian with copies of the youth's detention center education and

health records, information regarding the youth's home community, referrals to mental and counseling services when appropriate, and providing assistance in making initial appointments with community service providers; the transition team will work together to help the detainee successfully transition back into the home school district once released from detention. The transition team will consist of a certified teacher provided by the local sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district, the appropriate official from the local home school district, the school attendance officer assigned to the local home school district, and the youth court counselor or representative. The detainee's parent or guardian shall participate on the team unless excused by the youth court judge. Failure of any party to participate shall not delay implementation of this education program; and

(y) The Juvenile Detention Facilities Monitoring Unit shall monitor the detention facilities for compliance with these minimum standards, and no child shall be housed in a detention facility the monitoring unit determines is substantially out of compliance with the standards prescribed in this subsection.

(7) Programs and services shall be initiated for all juveniles once they have completed the admissions process.

(8) Programs and professional services may be provided by the detention staff, youth court staff or the staff of the local or state agencies, or those programs and professional services may be provided through contractual arrangements with community agencies.

(9) Persons providing the services required in this section must be qualified or trained in their respective fields.

(10) All directors of juvenile detention centers shall amend or develop written procedures to fit the programs and services described in this section.

SECTION 4. (1) There is established the Juvenile Detention and Alternatives Task Force. The purpose of the task force is to support the expansion of juvenile detention alternatives and recommend licensing standards for juvenile detention facilities throughout the state.

(2) The task force shall be composed of the following members who shall be appointed no later than August 1, 2012:

(a) The statewide coordinator of the Annie E. Casey Juvenile Detention Alternatives Initiative, or his designee;

(b) The Director of the Division of Youth Services of the Mississippi Department of Human Services, or his designee;

(c) A representative from the Juvenile Facilities Monitoring Unit appointed by the Commissioner of the Mississippi Department of Public Safety;

(d) Two (2) youth court judges appointed by the Mississippi Council of Youth Court Judges;

(e) A representative from the Mississippi Sheriffs' Association appointed by the President of the Association;

(f) Four (4) representatives from counties of this state that are engaged in the Juvenile Detention Alternatives Initiative, to be appointed by Mississippi's statewide coordinator of the Juvenile Detention Alternatives Initiative;

(g) A representative from the Department of Mental Health appointed by the Executive Director of the Department;

(h) Six (6) representatives from the Mississippi Juvenile Detention Directors Association appointed by the President of the Association;

(i) Two (2) county supervisors from counties with juvenile detention centers, appointed by the President of the Mississippi Association of County Detention Supervisors;

(j) Two (2) county administrators from counties with juvenile detention centers, appointed by the President of the Mississippi Association of Supervisors;

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(k) The State Superintendent of Education, or his designee; and

(1) Two (2) representatives from state or local government, one (1) to be appointed by the Chairperson of the House Youth and Family Affairs Committee and one (1) to be appointed by the Chairperson of the Senate Judiciary B Committee.

(3) The task force shall hold at least three (3) meetings before issuing its report and shall hold its first meeting no later than September 1, 2012, on the call of the statewide coordinator of the Annie E. Casey Juvenile Detention Alternatives Initiative, or his designee. At its first meeting, the task force shall elect a chairperson and a vice chairperson from its membership and shall adopt rules for transacting business and keeping records. All meetings of the task force will be open to the public and shall provide opportunities for input from representatives of any private or public entities that are involved with the juvenile justice system. Notice of all meetings shall be given as provided in the Open Meetings Act.

(4) On or before November 1, 2013, the task force shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives that includes the following:

(a) A plan for supporting juvenile detention alternatives;

(b) A plan for reducing the financial burden incurred by counties for providing juvenile detention services, increasing cross-county collaboration, reducing duplication of services, and maximizing support from federal, state and private sources;

(c) Proposed juvenile detention licensing standards, which may consider national standards and the minimum standards set forth in Section 43-21-321;

(d) A recommendation of which state agency should be authorized to promulgate, adopt and enforce the proposed licensing

standards and any other regulations for juvenile detention centers;

(e) Any recommended legislation for consideration in the 2013 Legislative Session; and

(f) Any other issues related to juvenile detention centers or alternatives to juvenile detention deemed relevant by the task force.

(5) The task force shall be assigned to the Division of Youth Services of the Department of Human Services for administrative purposes only, and the Division of Youth Services shall designate staff to assist the task force.

(6) There is created an advisory group established for the purpose of providing advice, input and information to the Juvenile Detention and Alternatives Task Force. Advisory group members shall receive notice of task force meetings and shall, at the request of the Chairperson of the task force, provide assistance with research and analysis. The advisory group shall be composed of the following members who shall be appointed no later than September 15, 2012:

(a) Two (2) representatives from children's advocacy nonprofit organizations, one (1) to be appointed by the Chairperson of the House Youth and Family Affairs Committee and one (1) to be appointed by the Chairperson of the Senate Judiciary B Committee;

(b) Two (2) representatives of a victim's rights organization appointed by the Attorney General;

(c) Two (2) representatives who are parents or guardians of a youth involved with the juvenile justice system, one (1) to be appointed by the Chairperson of the House Youth and Family Affairs Committee and one (1) to be appointed by the Chairperson of the Senate Judiciary B Committee;

(d) Two (2) youths who have experience with juvenile detention appointed by the Council of Youth Court Judges;

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(e) Three (3) members appointed by the Chairperson of the Juvenile Detention and Alternatives Task Force;

(f) Two (2) representatives who are from Mississippi public universities and have substantial experience with juvenile justice or criminal justice administration, to be appointed by the Commissioner of Higher Education;

(g) A representative from the Mississippi Juvenile Justice Advisory Committee appointed by the Chairperson of the Committee;

(h) A representative from the Mississippi Prosecutor's Association;

(i) A representative from the Mississippi Public Defender Association; and

(j) The Chairperson of the House Youth and Family Affairs Committee and the Chairperson of the Senate Judiciary B Committee, or their designees.

(7) This section shall stand repealed on July 1, 2014.

SECTION 5. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

Senate Bill 2600

Description: Beer breweries; allow to provide samples subject to certain restrictions.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 569

History of Actions:

- 1 02/20 (S) Referred To Economic Development;Tourism
- 2 02/29 (S) DR - TSDPCS: EC To TO
- 3 03/01 (S) Title Suff Do Pass Comm Sub
- 4 03/12 (S) Committee Substitute Adopted
- 5 03/12 (S) Passed
- 6 03/14 (S) Transmitted To House
- 7 03/19 (H) Referred To Tourism;Ways and Means
- 8 03/26 (H) DR - TSDPAA: TO To WM
- 9 03/29 (H) DR - TSDPAA: WM To TO
- 10 03/29 (H) Title Suff Do Pass As Amended
- 11 04/05 (H) Amended
- 12 04/05 (H) Passed As Amended
- 13 04/09 (H) Returned For Concurrence
- 14 04/23 (S) Decline to Concur/Invite Conf
- 15 04/24 (S) Conferees Named Horhn,Chassaniol,Hale
- 16 04/25 (H) Conferees Named Martinson,Aldridge,Zuber
- 17 04/27 (S) Conference Report Filed
- 18 04/27 (H) Conference Report Filed
- 19 04/28 (H) Conference Report Adopted
- 20 05/01 (S) Conference Report Adopted
- 21 05/07 (S) Enrolled Bill Signed
- 22 05/08 (H) Enrolled Bill Signed
- 23 05/23 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2600

Conference Reports:

Conference Report

Code Section: A 067-0003-0051, A 067-0003-0055, A 027-0071-0301

----- Additional Information -----

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Senate Committee: Economic Development, Tourism

House Committee: Tourism, Ways and Means

Principal Author: Moran

Additional Authors: Wiggins, Chassaniol, Watson, Burton, Tindell, Jackson (11th), Butler (36th), Horhn

2012 GENERAL LAWS OF MISSISSIPPI, SB 2600

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Moran, Wiggins, Chassaniol,
Watson, Burton, Tindell, Jackson (11th),
Butler (36th), Horhn

To: Economic Development;
Tourism

SENATE BILL NO. 2600
(As Sent to Governor)

AN ACT TO PROVIDE THAT A HOLDER OF A PERMIT TO MANUFACTURE BEER WHO OPERATES A BREWERY MAY PROVIDE LIMITED AMOUNTS OF BEER ON THE PREMISES OF THE BREWERY FOR TASTING OR SAMPLING; TO PROVIDE THAT BEER PROVIDED FOR TASTING OR SAMPLING MUST BE MANUFACTURED IN THIS STATE BY THE HOLDER OF THE PERMIT; TO PROVIDE THAT BEER SAMPLES MAY BE PROVIDED ONLY TO PERSONS ON THE PREMISES OF A BREWERY AT NO COST AND FOR CONSUMPTION ON THE PREMISES OF THE BREWERY; TO PROVIDE THE TIMES DURING WHICH BEER SAMPLES MAY BE PROVIDED AND THAT THE SAMPLES MUST BE PROVIDED IN CONJUNCTION WITH A TOUR OF THE BREWERY; TO LIMIT THE AMOUNT OF BEER SAMPLES THAT MAY BE PROVIDED TO AN INDIVIDUAL WITHIN A TWENTY-FOUR-HOUR PERIOD; TO AMEND SECTIONS 67-3-51, 67-3-55 AND 27-71-301, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) A person having a permit to manufacture or brew beer under this chapter and who operates a brewery may offer and provide limited amounts of beer on the premises of the brewery for the purpose of tasting or sampling, subject to the following conditions:

(a) The beer provided for tasting or sampling must be manufactured in the State of Mississippi by the holder of the permit;

(b) The beer may be provided only to persons on the premises of the brewery at no cost and for consumption on the premises of the brewery;

(c) The beer may be provided for tasting or sampling between the hours of 8:00 a.m. and 10:00 p.m. on the same day and only in conjunction with a structured tour of the brewery and related facilities which must include the entire manufacturing and brewing processes and methods used at the brewery;

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(d) No one under twenty-one (21) years of age may participate in the tasting or sampling, and a sign indicating that prohibition shall be placed in a visible location at the entrance to the area where the tasting or sampling will be conducted;

(e) An individual size sample of beer shall not exceed six (6) ounces, and no more than six (6) samples of beer may be provided to an individual within a twenty-four-hour period; and

(f) The holder of the license operating the brewery shall keep an accurate accounting of the various beers provided and consumed as samples.

(2) For the purposes of this section, the term "brewery" means and has the same definition as that term has in 26 USCS 5402.

SECTION 2. Section 67-3-51, Mississippi Code of 1972, is amended as follows:

67-3-51. (1) It shall be unlawful for any person to sell, or offer to sell, or keep for sale any bottled beer or bottled light wine except the same be in the original bottle or in the original package containing bottles, each of which bottles shall bear the original label and the full name of the brewer or manufacturer of the contents of such bottle, both on the label and on the cap or cork of such bottle in the case of beer, and on the label only in the case of light wine.

(2) It shall be unlawful for any person to sell, or offer for sale, or keep for sale any beer or light wine in the original package or packages unless each such original package (whether barrel or other container, and whether containing liquor in bottles or otherwise) shall have plainly stamped on the container or label for each such container the full name of the manufacturer of the liquor therein contained.

(3) It shall be unlawful for any person to sell on draught any beer or light wine except the same be drawn from the original barrel or other container, which such container shall have plainly

stamped on each end thereof the full name of the manufacturer of such liquor.

(4) This section shall not apply to beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 1 of this act.

SECTION 3. Section 67-3-55, Mississippi Code of 1972, is amended as follows:

67-3-55. (1) It shall be unlawful for any retailer to possess for purpose of sale, to sell, or to offer to sell any light wine or beer which was not purchased from a wholesaler in this state who has a permit to sell such light wine or beer, except for beer or light wine that was brewed on the premises of the retailer who holds a permit as a brewpub pursuant to Article 3, Chapter 71, Title 27, Mississippi Code of 1972.

(2) It shall be unlawful for any wholesaler to possess for purpose of sale, to sell, or to offer to sell any light wine or beer which was not purchased from a manufacturer or importer of a foreign manufacturer authorized to sell such light wine or beer in this state.

(3) This section shall not apply to beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 1 of this act.

SECTION 4. Section 27-71-301, Mississippi Code of 1972, is amended as follows:

27-71-301. When used in this article the words and terms hereafter mentioned shall have the following definitions:

(a) "State Auditor" means the State Auditor of Public Accounts of the State of Mississippi or any legally appointed deputy, clerk or agent.

(b) "Person" includes all natural persons or corporations, a partnership, an association, a joint venture, an estate, a trust, or any other group or combination acting as a unit and shall include the plural as well as the singular unless

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an intention to give another meaning thereto is disclosed in the context.

(c) "Consumer" means a person who comes into the possession of beer or light wine, the sale of which is authorized by Chapter 3 of Title 67, Mississippi Code of 1972, for the purpose of consuming it, giving it away or otherwise disposing of it in any manner except by sale, barter or exchange.

(d) "Retailer" means any person who comes into the possession of such light wines or beer for the purpose of selling it to the consumer, or giving it away, or exposing it where it may be taken or purchased or acquired in any other manner by the consumer; however, the term "retailer" shall not include a person who offers and provides beer on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 1 of this act.

(e) "Wholesaler" means any person who comes into possession of such light wine or beer for the purpose of selling, distributing, or giving it away to retailers or other wholesalers or dealers inside or outside of this state.

(f) "Commissioner" means the Commissioner of Revenue of the Department of Revenue or his duly appointed agents or employees.

(g) "Sale" includes the exchange of such light wines or beer for money, or giving away or distributing any such light wines or beer for anything of value; however, the term "sale" shall not include beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 1 of this act.

(h) "Light wines or beer" means beer and light wines legalized for sale by the provisions of Chapter 3 of Title 67, Mississippi Code of 1972.

(i) "Distributor" includes every person who receives either from within or from without this state, from a brewery, a

winery or any other source, light wines or beer as defined in Chapter 3 of Title 67, Mississippi Code of 1972, for the purpose of distributing or otherwise disposing of such light wines or beer to a wholesaler or retailer of such light wines or beer.

(j) "Brewpub" means the premises of any restaurant, as defined in Section 67-1-5, Mississippi Code of 1972, in which light wine or beer is manufactured or brewed, subject to the production limitation imposed in Section 67-3-22, for consumption exclusively on the premises. "Premises," for the purpose of this paragraph (j) for a brewpub operated by a hospitality operator, means only those areas immediately adjacent and connected to the brewing facility where food is normally sold and consumed. "Premises," for the purposes of this paragraph (j) for a brewpub not operated by a hospitality operator, means those areas normally used by the brewpub to conduct business and shall include the selling areas, brewing areas and storage areas. For purposes of this paragraph (j), hospitality operator shall have the meaning ascribed to such term in Section 67-33-22.

(k) "Hospitality cart" means a mobile cart from which alcoholic beverages and light wine and beer are sold on a golf course and for which a hospitality cart permit has been issued under Section 67-1-51.

SECTION 5. Section 1 of this act shall be codified as a separate section in Chapter 3, Title 67, Mississippi Code of 1972.

SECTION 6. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

Senate Bill 2604

Description: Mississippi Department of Employment Security; extend date of repeal.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: ** See Text

Chapter Number: 515

History of Actions:

- 1 02/20 (S) Referred To Finance
- 2 03/06 (S) Title Suff Do Pass Comm Sub
- 3 03/13 (S) Committee Substitute Adopted
- 4 03/13 (S) Amended
- 5 03/13 (S) Passed As Amended
- 6 03/15 (S) Transmitted To House
- 7 03/19 (H) Referred To Workforce Development
- 8 03/29 (H) Title Suff Do Pass As Amended
- 9 04/05 (H) Amended
- 10 04/05 (H) Passed As Amended
- 11 04/09 (H) Returned For Concurrence
- 12 04/18 (S) Concurred in Amend From House
- 13 04/23 (S) Enrolled Bill Signed
- 14 04/23 (H) Enrolled Bill Signed
- 15 05/01 Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub) *Adopted*

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2604

Code Section: R 037-0153-0001, R 037-0153-0003, R 037-0153-0005,
RA 037-0153-0007, R 037-0153-0009, R 037-0153-0011, R 037-0153-0013,
R 071-0005-0005, R 071-0005-0011, RA 071-0005-0019, R 071-0005-0101,
R 071-0005-0107, R 071-0005-0109, R 071-0005-0111, R 071-0005-0112,
R 071-0005-0113, RA 071-0005-0114, R 071-0005-0115, R 071-0005-0117,
R 071-0005-0119, R 071-0005-0121, R 071-0005-0123, R 071-0005-0125,
R 071-0005-0127, R 071-0005-0129, R 071-0005-0131, R 071-0005-0133,
R 071-0005-0135, R 071-0005-0137, R 071-0005-0139, R 071-0005-0141,
R 071-0005-0143, R 071-0005-0201, RA 071-0005-0357, R 071-0005-0359,
R 071-0005-0451, R 071-0005-0457, A 071-0005-0503, R 071-0005-0511,
RA 071-0005-0513, R 071-0005-0517, R 071-0005-0519, R 071-0005-0523,
R 071-0005-0525, R 071-0005-0529, R 071-0005-0531, R 071-0005-0541,

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R 073-0030-0025, R 043-0001-0030, A 043-0017-0005, RA 043-0019-0045,
R 057-0062-0005, R 057-0062-0009, R 057-0075-0005, R 057-0080-0007,
R 069-0002-0005, R 007-0001-0355, A 071-0005-0355

----- Additional Information -----

Senate Committee: Finance

House Committee: Workforce Development

Principal Author: Fillingane

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Fillingane

To: Finance

SENATE BILL NO. 2604
(As Sent to Governor)

AN ACT TO REENACT SECTIONS 37-153-1 THROUGH 37-153-13, MISSISSIPPI CODE OF 1972, WHICH CONSTITUTE THE MISSISSIPPI COMPREHENSIVE WORKFORCE TRAINING AND EDUCATION CONSOLIDATION ACT OF 2004; TO REENACT SECTIONS 71-5-5, 71-5-11 AND 71-5-19, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE MISSISSIPPI EMPLOYMENT SECURITY LAW; TO AMEND REENACTED SECTION 71-5-19, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A PENALTY FOR OVERPAID UNEMPLOYMENT BENEFITS WHICH HAVE BEEN OBTAINED AND/OR RECEIVED THROUGH FRAUD; TO PROVIDE FOR THE DEPOSIT OF SUCH PENALTIES INTO CERTAIN FUNDS AND THE PURPOSES FOR WHICH SUCH PENALTIES MAY BE USED; TO REENACT SECTIONS 71-5-101 AND 71-5-107 THROUGH 71-5-143, MISSISSIPPI CODE OF 1972, WHICH TRANSFER THE POWERS AND RESPONSIBILITIES OF THE MISSISSIPPI EMPLOYMENT SECURITY COMMISSION TO THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY IN THE OFFICE OF THE GOVERNOR AND PRESCRIBE THE DEPARTMENT'S POWERS AND DUTIES; TO AMEND REENACTED SECTION 71-5-114, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPOSIT INTO THE SPECIAL UNEMPLOYMENT SECURITY FUND OF PENALTIES COLLECTED FOR OVERPAID UNEMPLOYMENT BENEFITS WHICH HAVE BEEN OBTAINED AND/OR RECEIVED THROUGH FRAUD OR FAILURE TO REPORT EARNINGS WHILE FILING FOR BENEFITS AND TO PROVIDE THAT MONEY IN THE FUND MAY BE EXPENDED FOR ADMINISTRATION OF ANY PROGRAMS FOR WHICH THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY HAS ADMINISTRATIVE RESPONSIBILITY; TO REENACT SECTION 71-5-201, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE MISSISSIPPI STATE EMPLOYMENT SERVICE WITHIN THE DEPARTMENT OF EMPLOYMENT SECURITY; TO REENACT SECTIONS 71-5-357 AND 71-5-359, MISSISSIPPI CODE OF 1972, WHICH PRESCRIBE REGULATIONS GOVERNING NONPROFIT ORGANIZATIONS, STATE AGENCIES AND POLITICAL SUBDIVISIONS UNDER THE EMPLOYMENT SECURITY LAW; TO REENACT SECTIONS 71-5-451 AND 71-5-457, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE UNEMPLOYMENT COMPENSATION FUND AND THE UNEMPLOYMENT TRUST FUND; TO AMEND SECTION 71-5-503, MISSISSIPPI CODE OF 1972, TO REMOVE THE JULY 1, 2014, REPEAL DATE ON THE PROVISION OF LAW THAT ESTABLISHES THE WEEKLY UNEMPLOYMENT COMPENSATION BENEFIT; TO REENACT SECTIONS 71-5-511, 71-5-513, 71-5-517, 71-5-519, 71-5-523, 71-5-525, 71-5-529, 71-5-531 AND 71-5-541, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE PAYMENT OF UNEMPLOYMENT COMPENSATION BENEFITS; TO REENACT AND AMEND SECTION 71-5-513, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN INDIVIDUAL WHO IS NOT HIRED FOR AN OTHERWISE SUITABLE POSITION DUE TO A POSITIVE TEST FOR ILLEGAL SUBSTANCES, INCLUDING DRUGS, SHALL, FOR PURPOSES OF THE MISSISSIPPI EMPLOYMENT SECURITY LAW, BE DEEMED TO HAVE FAILED TO ACCEPT SUITABLE WORK WHEN OFFERED HIM AND AS SUCH SUBJECT TO DISQUALIFICATION FROM RECEIVING EMPLOYMENT COMPENSATION BENEFITS; TO PROVIDE THAT A DISQUALIFIED INDIVIDUAL MAY PROVIDE INFORMATION TO END THE DISQUALIFICATION PERIOD EARLY BY SUBMITTING ACCEPTABLE PROOF TO

THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY OF A NEGATIVE TEST RESULT FROM A TESTING FACILITY APPROVED BY THE DEPARTMENT; TO PROVIDE THAT AT ANY TIME DURING OR AFTER THE ASSESSED DISQUALIFICATION PERIOD, THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY MAY REQUIRE THE INDIVIDUAL TO SUBMIT ACCEPTABLE PROOF TO THE DEPARTMENT OF A NEGATIVE TEST RESULT FROM A TESTING FACILITY APPROVED BY THE DEPARTMENT IN ORDER TO REINSTATE THE INDIVIDUAL AND RESUME THE ISSUANCE OF BENEFITS UNDER MISSISSIPPI EMPLOYMENT SECURITY LAW; TO PROVIDE THAT NO PERSON ELIGIBLE FOR UNEMPLOYMENT BENEFITS SHALL BE DENIED BENEFITS FOR CERTAIN REASONS FOR ANY WEEK IN WHICH THEY ARE ENGAGED IN THE SELF-EMPLOYMENT ASSISTANCE PROGRAM; TO AUTHORIZE ANY INDIVIDUAL WHO IS RECEIVING UNEMPLOYMENT BENEFITS TO PARTICIPATE IN A PROGRAM TO GAIN SKILLS THAT MAY LEAD TO EMPLOYMENT WHILE CONTINUING TO RECEIVE UNEMPLOYMENT BENEFITS IF AUTHORIZATION FOR PARTICIPATION IS GRANTED BY THE DEPARTMENT AND PARTICIPATION IS CERTIFIED WEEKLY; TO PROVIDE THAT WHILE PARTICIPATING IN SUCH A PROGRAM, AVAILABILITY AND WORK SEARCH REQUIREMENTS WILL BE WAIVED; TO LIMIT THE AMOUNT OF TIME THAT AN INDIVIDUAL MAY PARTICIPATE IN SUCH A PROGRAM; TO REENACT SECTION 73-30-25, MISSISSIPPI CODE OF 1972, WHICH EXCLUDES CERTAIN PROFESSIONALS FROM REGULATION UNDER THE LAWS GOVERNING LICENSED PROFESSIONAL COUNSELORS; TO REENACT SECTION 43-1-30, MISSISSIPPI CODE OF 1972, WHICH CREATES THE MISSISSIPPI TANF IMPLEMENTATION COUNCIL AND PRESCRIBES ITS POWERS AND DUTIES; TO AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO REMOVE THE REPEAL DATE ON THE PROVISION OF LAW WHICH PROVIDES THE AMOUNT OF TEMPORARY ASSISTANCE TO NEEDY FAMILIES; TO REENACT SECTION 43-19-45, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE CHILD SUPPORT UNIT ESTABLISHED BY THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH A STATE PARENT LOCATOR SERVICE; TO REENACT SECTIONS 57-62-5, 57-62-9, 57-75-5 AND 57-80-7, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE MISSISSIPPI ADVANTAGE JOBS ACT, THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT, AND THE GROWTH AND PROSPERITY ACT, RESPECTIVELY; TO REENACT SECTION 69-2-5, MISSISSIPPI CODE OF 1972, WHICH PRESCRIBES CERTAIN DUTIES OF THE MISSISSIPPI COOPERATIVE EXTENSION SERVICE RELATING TO THE DISSEMINATION OF INFORMATION TO THE AGRICULTURAL COMMUNITY; TO REENACT SECTION 7-1-355, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE DEPARTMENT OF EMPLOYMENT SECURITY, OFFICE OF THE GOVERNOR, TO MAKE AN ANNUAL REPORT TO THE LEGISLATURE ON WORKFORCE INVESTMENT ACTIVITIES; TO AMEND REENACTED SECTIONS 37-153-7, 43-19-45 AND 71-5-357, MISSISSIPPI CODE OF 1972, TO INFORM THE CODE PUBLISHER OF CERTAIN NONSUBSTANTIVE LANGUAGE THAT SHOULD BE REVISED; TO AMEND SECTION 60, CHAPTER 572, LAWS OF 2004, AS AMENDED BY SECTION 58, CHAPTER 30, LAWS OF THE FIRST EXTRAORDINARY SESSION OF 2008, AS AMENDED BY SECTION 58, CHAPTER 559, LAWS OF 2010 REGULAR SESSION, AS AMENDED BY CHAPTER 471, LAWS OF 2011, TO EXTEND UNTIL JULY 1, 2019, THE REPEAL DATE ON THOSE STATUTES THAT ESTABLISH AND PRESCRIBE THE MEMBERSHIP OF THE MISSISSIPPI WORKFORCE INVESTMENT BOARD AND TRANSFER THE POWERS AND RESPONSIBILITIES OF THE MISSISSIPPI EMPLOYMENT SECURITY COMMISSION TO THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY; TO CODIFY SECTION 71-5-545, MISSISSIPPI CODE OF 1972, TO ESTABLISH A SELF-EMPLOYMENT ASSISTANCE PROGRAM (SEAP) UNDER THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY (MDES); TO PROVIDE ELIGIBILITY AND STANDARDS FOR THE PROGRAM AND TO PROVIDE FOR THE AMOUNT OF SELF-EMPLOYMENT ASSISTANCE ALLOWANCE; TO PROVIDE FOR A SEAP STEERING COMMITTEE; TO AUTHORIZE THE MDES TO ISSUE REGULATIONS TO ADMINISTER THE PROGRAM; TO AMEND SECTION 71-5-355,

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MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FROM AND AFTER JANUARY 1, 2012, ACCRUAL RULES SHALL APPLY FOR PURPOSES OF COMPUTING CONTRIBUTION RATES UNDER THE MISSISSIPPI EMPLOYMENT SECURITY LAW INCLUDING ASSOCIATED FUNCTIONS, AND TO PROVIDE THAT FOR ANY TAX YEAR, WHEN THE RESERVE RATIO OF THE UNEMPLOYMENT COMPENSATION FUND ON THE PRECEDING NOVEMBER 16 EQUALS OR EXCEEDS 3%, THE MODIFIED RATES OF EMPLOYER CONTRIBUTIONS SHALL BE IN EFFECT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-153-1, Mississippi Code of 1972, is reenacted as follows:

37-153-1. This chapter shall be known and may be cited as the "Mississippi Comprehensive Workforce Training and Education Consolidation Act of 2004."

SECTION 2. Section 37-153-3, Mississippi Code of 1972, is reenacted as follows:

37-153-3. It is the intent of the Legislature by the passage of Chapter 572, Laws of 2004, to establish one (1) comprehensive workforce development system in the State of Mississippi that is focused on achieving results, using resources efficiently and ensuring that workers and employers can easily access needed services. This system shall reflect a consolidation of the Mississippi Workforce Development Advisory Council and the Mississippi State Workforce Investment Act Board. The purpose of Chapter 572, Laws of 2004, is to provide workforce activities, through a statewide system that maximizes cooperation among state agencies, that increase the employment, retention and earnings of participants, and increase occupational skill attainment by participants and as a result, improve the quality of the workforce, reduce welfare dependency and enhance the productivity and competitiveness of the State of Mississippi.

SECTION 3. Section 37-153-5, Mississippi Code of 1972, is reenacted as follows:

37-153-5. For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed in this section unless the context clearly indicates otherwise:

(a) "State board" means the Mississippi State Workforce Investment Board;

(b) "District councils" means the Local Workforce Development Councils;

(c) "Local workforce investment board" means the board that oversees the workforce development activities of local workforce areas under the federal Workforce Investment Act.

SECTION 4. Section 37-153-7, Mississippi Code of 1972, is reenacted and amended as follows:

37-153-7. (1) There is created the Mississippi State Workforce Investment Board. The Mississippi State Workforce Investment Board shall be composed of thirty-nine (39) voting members, of which a majority shall be representatives of business and industry in accordance with the federal Workforce Investment Act.

(a) The Governor shall appoint the following members of the board to serve a term of four (4) years:

(i) The Executive Director of the Mississippi Association of Supervisors, or his/her designee;

(ii) The Executive Director of the Mississippi Municipal League;

(iii) One (1) elected mayor;

(iv) One (1) elected county supervisor;

(v) Two (2) representatives of labor organizations, who have been nominated by state labor federations;

(vi) Two (2) representatives of individuals and organizations that have experience with respect to youth activities;

(vii) One (1) representative of the Mississippi Association of Planning and Development Districts;

(viii) One (1) representative from each of the four (4) workforce areas in the state, who has been nominated by the community colleges in each respective area, with the consent

of the elected county supervisors within the respective workforce area; and

(ix) Nineteen (19) representatives of business owners nominated by business and industry organizations, which may include representatives of the various planning and development districts in Mississippi.

(b) The following state officials shall be members of the board:

(i) The Executive Director of the Mississippi Department of Employment Security;

(ii) The Executive Director of the Department of Rehabilitation Services;

(iii) The State Superintendent of Public Education;

(iv) The Executive Director of the Mississippi Development Authority;

(v) The Executive Director of the Mississippi Department of Human Services;

(vi) The Executive Director of the State Board for Community and Junior Colleges.

(c) The Governor, or his designee, shall serve as a member.

(d) Four (4) legislators, who shall serve in a nonvoting capacity, two (2) of whom shall be appointed by the Lieutenant Governor from the membership of the Mississippi Senate, and two (2) of whom shall be appointed by the Speaker of the House from the membership of the Mississippi House of Representatives.

(e) The membership of the board shall reflect the diversity of the State of Mississippi.

(f) The Governor shall designate the Chairman of the Mississippi State Workforce Investment Board from among the voting members of the board, and a quorum of the board shall consist of a majority of the voting members of the board.

(g) The voting members of the board who are not state employees shall be entitled to reimbursement of their reasonable expenses incurred in carrying out their duties under this chapter, from any funds available for that purpose.

(h) The Mississippi Department of Employment Security shall be responsible for providing necessary administrative, clerical and budget support for the State Workforce Investment Board.

(2) The Mississippi Department of Employment Security shall establish limits on administrative costs for each portion of Mississippi's workforce development system consistent with the federal Workforce Investment Act or any future federal workforce legislation.

(3) The Mississippi State Workforce Investment Board shall have the following duties:

(a) Develop and submit to the Governor a strategic plan for an integrated state workforce development system that aligns resources and structures the system to more effectively and efficiently meet the demands of Mississippi's employers and job seekers. This plan will comply with the federal Workforce Investment Act of 1998, as amended;

(b) Assist the Governor in the development and continuous improvement of the statewide workforce investment system that shall include:

(i) Development of linkages in order to assure coordination and nonduplication among programs and activities; and

(ii) Review local workforce development plans that reflect the use of funds from the federal Workforce Investment Act, Wagner-Peyser Act and the Mississippi Comprehensive Workforce Training and Education Consolidation Act;

(c) Recommend the designation of local workforce investment areas as required in Section 116 of the federal Workforce Investment Act of 1998. There shall be four (4)

workforce investment areas that are generally aligned with the planning and development district structure in Mississippi. Planning and development districts will serve as the fiscal agents to manage Workforce Investment Act funds, oversee and support the local workforce investment boards aligned with the area and the local programs and activities as delivered by the one-stop employment and training system. The planning and development districts will perform this function through the provisions of the county cooperative service districts created under Sections 19-3-101 through 19-3-115; however, planning and development districts currently performing this function under the Interlocal Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may continue to do so;

(d) Assist the Governor in the development of an allocation formula for the distribution of funds for adult employment and training activities and youth activities to local workforce investment areas;

(e) Recommend comprehensive, results-oriented measures that shall be applied to all Mississippi's workforce development system programs;

(f) Assist the Governor in the establishment and management of a one-stop employment and training system conforming to the requirements of the federal Workforce Investment Act of 1998, as amended, recommending policy for implementing the Governor's approved plan for employment and training activities and services within the state. In developing this one-stop career operating system, the Mississippi State Workforce Investment Board, in conjunction with local workforce investment boards, shall:

(i) Design broad guidelines for the delivery of workforce development programs;

(ii) Identify all existing delivery agencies and other resources;

(iii) Define appropriate roles of the various agencies to include an analysis of service providers' strengths and weaknesses;

(iv) Determine the best way to utilize the various agencies to deliver services to recipients; and

(v) Develop a financial plan to support the delivery system that shall, at a minimum, include an accountability system;

(g) Assist the Governor in reducing duplication of services by urging the local workforce investment boards to designate the local community/junior college as the operator of the WIN Job Center. Incentive grants of Two Hundred Thousand Dollars (\$200,000.00) from federal Workforce Investment Act funds may be awarded to the local workforce boards where the community/junior college district is designated as the WIN Job Center. These grants must be provided to the community and junior colleges for the extraordinary costs of coordinating with the Workforce Investment Act, advanced technology centers and advanced skills centers. In no case shall these funds be used to supplant state resources being used for operation of workforce development programs;

(h) To provide authority, in accordance with any executive order of the Governor, for developing the necessary collaboration among state agencies at the highest level for accomplishing the purposes of this chapter;

(i) To monitor the effectiveness of the workforce development centers and WIN job centers;

(j) To advise the Governor, public schools, community/junior colleges and institutions of higher learning on effective school-to-work transition policies and programs that link students moving from high school to higher education and students moving between community colleges and four-year institutions in pursuit of academic and technical skills training;

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(k) To work with industry to identify barriers that inhibit the delivery of quality workforce education and the responsiveness of educational institutions to the needs of industry;

(l) To provide periodic assessments on effectiveness and results of the overall Mississippi comprehensive workforce development system and district councils; and

(m) To assist the Governor in carrying out any other responsibility required by the federal Workforce Investment Act of 1998, as amended.

(4) The Mississippi State Workforce Investment Board shall coordinate all training programs and funds in the State of Mississippi.

Each state agency director responsible for workforce training activities shall advise the Mississippi State Workforce Investment Board of appropriate federal and state requirements. Each such state agency director shall remain responsible for the actions of his agency; however, each state agency and director shall work cooperatively, and shall be individually and collectively responsible to the Governor for the successful implementation of the statewide workforce investment system. The Governor, as the Chief Executive Officer of the state, shall have complete authority to enforce cooperation among all entities within the state that utilize federal or state funding for the conduct of workforce development activities.

SECTION 5. Section 37-153-9, Mississippi Code of 1972, is reenacted as follows:

37-153-9. (1) In accordance with the federal Workforce Investment Act of 1998, there shall be established, for each of the four (4) state workforce areas prescribed in Section 37-153-3 (2)(c), a local workforce investment board to set policy for the portion of the state workforce investment system within the local area and carry out the provisions of the Workforce Investment Act.

(2) Each community college district shall have an affiliated District Workforce Development Council. The district council shall be composed of a diverse group of fifteen (15) persons appointed by the board of trustees of the affiliated public community or junior college. The members of each district council shall be selected from persons recommended by the chambers of commerce, employee groups, industrial foundations, community organizations and local governments located in the community college district of the affiliated community college with one (1) appointee being involved in basic literacy training. However, at least eight (8) members of each district council shall be chief executive officers, plant managers that are representatives of employers in that district or service sector executives. The District Workforce Development Council affiliated with each respective community or junior college shall advise the president of the community or junior college on the operation of its workforce development center/one-stop center.

The Workforce Development Council shall have the following advisory duties:

(a) To develop an integrated and coordinated district workforce investment strategic plan that:

(i) Identifies workforce investment needs through job and employee assessments of local business and industry;

(ii) Sets short-term and long-term goals for industry-specific training and upgrading and for general development of the workforce; and

(iii) Provides for coordination of all training programs, including ABE/GED, Skills Enhancement and Industrial Services, and shall work collaboratively with the State Literacy Resource Center;

(b) To coordinate and integrate delivery of training as provided by the workforce development plan;

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(c) To assist business and industry management in the transition to a high-powered, quality organization;

(d) To encourage continuous improvement through evaluation and assessment; and

(e) To oversee development of an extensive marketing plan to the employer community.

SECTION 6. Section 37-153-11, Mississippi Code of 1972, is reenacted as follows:

37-153-11. (1) There are created workforce development centers to provide assessment, training and placement services to individuals needing retraining, training and upgrading for small business and local industry. Each workforce development center shall be affiliated with a separate public community or junior college district.

(2) Each workforce development center shall be staffed and organized locally by the affiliated community college. The workforce development center shall serve as staff to the affiliated district council.

(3) Each workforce development center, working in concert with its affiliated district council, shall offer and arrange services to accomplish the purposes of this chapter, including, but not limited to, the following:

(a) For individuals needing training and retraining:

(i) Recruiting, assessing, counseling and referring to training or jobs;

(ii) Preemployment training for those with no experience in the private enterprise system;

(iii) Basic literacy skills training and high school equivalency education;

(iv) Vocational and technical training, full-time or part-time; and

(v) Short-term skills training for educationally and economically disadvantaged adults in cooperation with federally established employment and training programs;

(b) For specific small businesses, industries or firms within the district:

(i) Job analysis, testing and curriculum development;

(ii) Development of specific long-range training plans;

(iii) Industry or firm-related preemployment training;

(iv) Workplace basic skills and literacy training;

(v) Customized skills training;

(vi) Assistance in developing the capacity for total quality management training;

(vii) Technology transfer information and referral services to business of local applications of new research in cooperation with the University Research Center, the state's universities and other laboratories; and

(viii) Development of business plans;

(c) For public schools within the district technical assistance to secondary schools in curriculum coordination, development of tech prep programs, instructional development and resource coordination; and

(d) For economic development, a local forum and resource center for all local industrial development groups to meet and promote regional economic development.

(4) Each workforce development center shall compile and make accessible to the Mississippi Workforce Investment Board necessary information for use in evaluating outcomes of its efforts and in improving the quality of programs at each community college, and shall include information on literacy initiatives. Each workforce development center shall, through an interagency management

information system, maintain records on new small businesses, placement, length of time on the job after placement and wage rates of those placed in a form containing such information as established by the state council.

SECTION 7. Section 37-153-13, Mississippi Code of 1972, is reenacted as follows:

37-153-13. The State Board for Community and Junior Colleges is designated as the primary support agency to the workforce development centers. The State Board for Community and Junior Colleges may exercise the following powers:

(a) To provide the workforce development centers the assistance necessary to accomplish the purposes of this chapter;

(b) To provide the workforce development centers consistent standards and benchmarks to guide development of the local workforce development system and to provide a means by which the outcomes of local services can be measured;

(c) To develop the staff capacity to provide, broker or contract for the provision of technical assistance to the workforce development centers, including, but not limited to:

(i) Training local staff in methods of recruiting, assessment and career counseling;

(ii) Establishing rigorous and comprehensive local preemployment training programs;

(iii) Developing local institutional capacity to deliver total quality management training;

(iv) Developing local institutional capacity to transfer new technologists into the marketplace;

(v) Expanding the Skills Enhancement Program and improving the quality of adult literacy programs; and

(vi) Developing data for strategic planning;

(d) To collaborate with the Mississippi Development Authority and other economic development organizations to increase the community college systems' economic development potential;

(e) To administer presented and approved certification programs by the community colleges for tax credits and partnership funding for corporate training;

(f) To create and maintain an evaluation team that examines which kinds of curricula and programs and what forms of quality control of training are most productive so that the knowledge developed at one (1) institution of education can be transferred to others;

(g) To develop internal capacity to provide services and to contract for services from universities and other providers directly to local institutions;

(h) To develop and administer an incentive certification program;

(i) To develop and hire staff and purchase equipment necessary to accomplish the goals set forth in this section; and

(j) To collaborate, partner and contract for services with community-based organizations and disadvantaged businesses in the delivery of workforce training and career information especially to youth, as defined by the federal Workforce Investment Act, and to those adults who are in low income jobs or whose individual skill levels are so low as to be unable initially to be aided by a workforce development center. Community-based organizations and disadvantaged businesses must meet performance-based certification requirements set by the State Board for Community and Junior Colleges.

SECTION 8. Section 71-5-5, Mississippi Code of 1972, is reenacted as follows:

71-5-5. The Legislature finds and declares that the existence and continued operation of a federal tax upon employers, against which some portion of the contributions required under this chapter may be credited, will protect Mississippi employers from undue disadvantages in their competition with employers in other states. If at any time, upon a formal complaint to the

Governor, he shall find that Title IX of the Social Security Act has been amended or repealed by Congress or has been held unconstitutional by the Supreme Court of the United States, and that, as a result thereof, the provisions of this chapter requiring Mississippi employers to pay contributions will subject them to a serious competitive disadvantage in relation to employers in other states, he shall publish such findings and proclaim that the operation of the provisions of this chapter requiring the payment of contributions and benefits shall be suspended for a period of not more than six (6) months. The Department of Employment Security shall thereupon requisition from the Unemployment Trust Fund all monies therein standing to its credit, and shall direct the State Treasurer to deposit such monies, together with any other monies in the Unemployment Compensation Fund, as a special fund in any banks or public depositories in this state in which general funds of the state may be deposited.

In all other cases, and unless the Governor shall issue such proclamation, this chapter shall remain in full force and effect.

If within the aforesaid six-month period the Governor shall find that other federal legislation has been enacted which avoids the competitive disadvantage herein described, he shall forthwith publicly so proclaim, and upon the date of such proclamation, the provisions of this chapter requiring the payment of contributions and benefits shall again become fully operative as of the date of such suspension with the same effect as if such suspension had not occurred. If within such six-month period no such other federal legislation is enacted or the Legislature of this state has not otherwise prescribed, the Department of Employment Security shall, under regulations prescribed by it, refund, without interest, to each employer by whom contributions have been paid his pro rata share of the total contributions paid under this chapter. Any interest or earnings of the fund shall be available to the

Department of Employment Security to pay for the costs of making such refunds. When the Department of Employment Security shall have executed the duties herein prescribed and performed such other acts as are incidental to the termination of its duties under this chapter, the Governor shall, by public proclamation, declare that the provisions of this chapter, in their entirety, shall cease to be operative.

SECTION 9. Section 71-5-11, Mississippi Code of 1972, is reenacted as follows:

71-5-11. As used in this chapter, unless the context clearly requires otherwise:

A. "Base period" means the first four (4) of the last five (5) completed calendar quarters immediately preceding the first day of an individual's benefit year.

B. "Benefits" means the money payments payable to an individual, as provided in this chapter, with respect to his unemployment.

C. "Benefit year" with respect to any individual means the period beginning with the first day of the first week with respect to which he first files a valid claim for benefits, and ending with the day preceding the same day of the same month in the next calendar year; and, thereafter, the period beginning with the first day of the first week with respect to which he next files his valid claim for benefits, and ending with the day preceding the same day of the same month in the next calendar year. Any claim for benefits made in accordance with Section 71-5-515 shall be deemed to be a "valid claim" for purposes of this subsection if the individual has been paid the wages for insured work required under Section 71-5-511(e).

D. "Contributions" means the money payments to the State Unemployment Compensation Fund required by this chapter.

E. "Calendar quarter" means the period of three (3) consecutive calendar months ending on March 31, June 30, September 30, or December 31.

F. "Department" or "commission" means the Mississippi Department of Employment Security, Office of the Governor.

G. "Executive director" means the Executive Director of the Mississippi Department of Employment Security, Office of the Governor, appointed under Section 71-5-107.

H. "Employing unit" means this state or another state or any instrumentalities or any political subdivisions thereof or any of their instrumentalities or any instrumentality of more than one (1) of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions, any Indian tribe as defined in Section 3306(u) of the Federal Unemployment Tax Act (FUTA), which includes any subdivision, subsidiary or business enterprise wholly owned by such Indian tribe, any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or had in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two (2) or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this chapter. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all purposes of this chapter, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the work. All individuals performing services in the employ of

an elected fee-paid county official, other than those related by blood or marriage within the third degree computed by the rule of the civil law to such fee-paid county official, shall be deemed to be employed by such county as the employing unit for all the purposes of this chapter. For purposes of defining an "employing unit" which shall pay contributions on remuneration paid to individuals, if two (2) or more related corporations concurrently employ the same individual and compensate such individual through a common paymaster which is one (1) of such corporations, then each such corporation shall be considered to have paid as remuneration to such individual only the amounts actually disbursed by it to such individual and shall not be considered to have paid as remuneration to such individual such amounts actually disbursed to such individual by another of such corporations.

I. "Employer" means:

(1) Any employing unit which,

(a) In any calendar quarter in either the current or preceding calendar year paid for service in employment wages of One Thousand Five Hundred Dollars (\$1,500.00) or more, except as provided in paragraph (9) of this subsection, or

(b) For some portion of a day in each of twenty (20) different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year had in employment at least one (1) individual (irrespective of whether the same individual was in employment in each such day), except as provided in paragraph (9) of this subsection;

(2) Any employing unit for which service in employment, as defined in subsection J(3) of this section, is performed;

(3) Any employing unit for which service in employment, as defined in subsection J(4) of this section, is performed;

(4) (a) Any employing unit for which agricultural labor, as defined in subsection J(6) of this section, is performed;

(b) Any employing unit for which domestic service in employment, as defined in subsection J(7) of this section, is performed;

(5) Any individual or employing unit which acquired the organization, trade, business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this chapter;

(6) Any individual or employing unit which acquired its organization, trade, business, or substantially all the assets thereof, from another employing unit, if the employment record of the acquiring individual or employing unit subsequent to such acquisition, together with the employment record of the acquired organization, trade, or business prior to such acquisition, both within the same calendar year, would be sufficient to constitute an employing unit as an employer subject to this chapter under paragraph (1) or (3) of this subsection;

(7) Any employing unit which, having become an employer under paragraph (1), (3), (5) or (6) of this subsection or under any other provisions of this chapter, has not, under Section 71-5-361, ceased to be an employer subject to this chapter;

(8) For the effective period of its election pursuant to Section 71-5-361(3), any other employing unit which has elected to become subject to this chapter;

(9) (a) In determining whether or not an employing unit for which service other than domestic service is also performed is an employer under paragraph (1) or (4)(a) of this subsection, the wages earned or the employment of an employee performing domestic service, shall not be taken into account;

(b) In determining whether or not an employing unit for which service other than agricultural labor is also performed is an employer under paragraph (1) or (4)(b) of this subsection, the wages earned or the employment of an employee performing services in agricultural labor, shall not be taken into

account. If an employing unit is determined an employer of agricultural labor, such employing unit shall be determined an employer for purposes of paragraph (1) of this subsection;

(10) All entities utilizing the services of any employee leasing firm shall be considered the employer of the individuals leased from the employee leasing firm. Temporary help firms shall be considered the employer of the individuals they provide to perform services for other individuals or organizations.

J. "Employment" means and includes:

(1) Any service performed, which was employment as defined in this section and, subject to the other provisions of this subsection, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied.

(2) Services performed for remuneration for a principal:

(a) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry cleaning services;

(b) As a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, a principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operator of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

However, for purposes of this subsection, the term "employment" shall include services described in subsection J(2)(a) and (b) of this section, only if:

(i) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

(ii) The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

(iii) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(3) Service performed in the employ of this state or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one (1) of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions or any Indian tribe as defined in Section 3306(u) of the Federal Unemployment Tax Act (FUTA), which includes any subdivision, subsidiary or business enterprise wholly owned by such Indian tribe; however, such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by Section 3306(c) (7) of that act and is not excluded from "employment" under subsection J(5) of this section.

(4) (a) Services performed in the employ of a religious, charitable, educational, or other organization, but only if the service is excluded from "employment" as defined in the Federal Unemployment Tax Act, 26 USCS Section 3306(c) (8), and

(b) The organization had four (4) or more individuals in employment for some portion of a day in each of twenty (20) different weeks, whether or not such weeks were consecutive, within the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(5) For the purposes of subsection J(3) and (4) of this section, the term "employment" does not apply to service performed:

(a) In the employ of:

(i) A church or convention or association of churches; or

(ii) An organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(b) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of duties required by such order; or

(c) In the employ of a governmental entity referred to in subsection J(3), if such service is performed by an individual in the exercise of duties:

(i) As an elected official;

(ii) As a member of a legislative body, or a member of the judiciary, of a state or political subdivision or a member of an Indian tribal council;

(iii) As a member of the State National Guard or Air National Guard;

(iv) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;

(v) In a position which, under or pursuant to the laws of this state or laws of an Indian tribe, is designated as:

1. A major nontenured policy-making or advisory position, or

2. A policy-making or advisory position the performance of the duties of which ordinarily does not require more than eight (8) hours per week; or

(d) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

(e) By an inmate of a custodial or penal institution; or

(f) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or agency of a state or political subdivision thereof or of an Indian tribe, by an individual receiving such work relief or work training, unless coverage of such service is required by federal law or regulation.

(6) Service performed by an individual in agricultural labor as defined in paragraph (15)(a) of this subsection when:

(a) Such service is performed for a person who:

(i) During any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of Twenty Thousand Dollars (\$20,000.00) or more to individuals employed in agricultural labor, or

(ii) For some portion of a day in each of twenty (20) different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor ten (10) or more individuals, regardless of whether they were employed at the same moment of time.

(b) For the purposes of subsection J(6) any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of such crew leader:

(i) If such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or crop dusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

(ii) If such individual is not an employee of such other person within the meaning of subsection J(1).

(c) For the purpose of subsection J(6), in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of such crew leader under paragraph (6) (b) of this subsection:

(i) Such other person and not the crew leader shall be treated as the employer of such individual; and

(ii) Such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on behalf of such other person) for the service in agricultural labor performed for such other person.

(d) For the purposes of subsection J(6) the term "crew leader" means an individual who:

(i) Furnishes individuals to perform service in agricultural labor for any other person;

(ii) Pays (either on his own behalf or on behalf of such other person) the individuals so furnished by him for the service in agricultural labor performed by them; and

(iii) Has not entered into a written agreement with such other person under which such individual is designated as an employee of such other person.

(7) The term "employment" shall include domestic service in a private home, local college club or local chapter of a college fraternity or sorority performed for an employing unit which paid cash remuneration of One Thousand Dollars (\$1,000.00) or more in any calendar quarter in the current or the preceding calendar year to individuals employed in such domestic service. For the purpose of this subsection, the term "employment" does not apply to service performed as a "sitter" at a hospital in the employ of an individual.

(8) An individual's entire service, performed within or both within and without this state, if:

(a) The service is localized in this state; or

(b) The service is not localized in any state but some of the service is performed in this state; and

(i) The base of operations or, if there is no base of operations, the place from which such service is directed or controlled is in this state; or

(ii) The base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(9) Services not covered under paragraph (8) of this subsection and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this chapter if the individual performing such services is a resident of this state and the department approves the election of the employing unit for whom such services are performed that the

entire service of such individual shall be deemed to be employment subject to this chapter.

(10) Service shall be deemed to be localized within a state if:

(a) The service is performed entirely within such state; or

(b) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state; for example, is temporary or transitory in nature or consists of isolated transactions.

(11) The services of an individual who is a citizen of the United States, performed outside the United States (except in Canada), in the employ of an American employer (other than service which is deemed "employment" under the provisions of paragraph (8), (9) or (10) of this subsection or the parallel provisions of another state's law), if:

(a) The employer's principal place of business in the United States is located in this state; or

(b) The employer has no place of business in the United States; but

(i) The employer is an individual who is a resident of this state; or

(ii) The employer is a corporation which is organized under the laws of this state; or

(iii) The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any one (1) other state; or

(c) None of the criteria of subparagraphs (a) and (b) of this paragraph are met but the employer has elected coverage in this state or, the employer having failed to elect

coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state; or

(d) An "American employer," for purposes of this paragraph, means a person who is:

(i) An individual who is a resident of the United States; or

(ii) A partnership if two-thirds (2/3) or more of the partners are residents of the United States; or

(iii) A trust if all of the trustees are residents of the United States; or

(iv) A corporation organized under the laws of the United States or of any state.

(12) All services performed by an officer or member of the crew of an American vessel on or in connection with such vessel, if the operating office from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled, is within this state, notwithstanding the provisions of subsection J(8).

(13) Service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, 26 USCS Section 3301 et seq., is required to be covered under this chapter, notwithstanding any other provisions of this subsection.

(14) Services performed by an individual for wages shall be deemed to be employment subject to this chapter unless and until it is shown to the satisfaction of the department that such individual has been and will continue to be free from control and direction over the performance of such services both under his contract of service and in fact; and the relationship of employer

and employee shall be determined in accordance with the principles of the common law governing the relation of master and servant.

(15) The term "employment" shall not include:

(a) Agricultural labor, except as provided in subsection J(6) of this section. The term "agricultural labor" includes all services performed:

(i) On a farm or in a forest in the employ of any employing unit in connection with cultivating the soil, in connection with cutting, planting, deadening, marking or otherwise improving timber, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, fur-bearing animals and wildlife;

(ii) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

(iii) In connection with the production or harvesting of naval stores products or any commodity defined in the Federal Agricultural Marketing Act, 12 USCS Section 1141j(g), or in connection with the raising or harvesting of mushrooms, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(iv) (A) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity;

but only if such operator produced more than one-half (1/2) of the commodity with respect to which such service is performed;

(B) In the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in subitem (A), but only if such operators produced more than one-half (1/2) of the commodity with respect to which such service is performed;

(C) The provisions of subitems (A) and (B) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(v) On a farm operated for profit if such service is not in the course of the employer's trade or business;

(vi) As used in paragraph (15)(a) of this subsection, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animals, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(b) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, except as provided in subsection J(7) of this section, or service performed as a "sitter" at a hospital in the employ of an individual.

(c) Casual labor not in the usual course of the employing unit's trade or business.

(d) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one (21) in the employ of his father or mother.

(e) Service performed in the employ of the United States government or of an instrumentality wholly owned by the United States; except that if the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation act, then to the extent permitted by Congress and from and after the date as of which such permission becomes effective, all of the provisions of this chapter shall be applicable to such instrumentalities and to services performed by employees for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers and employing units. If this state should not be certified under the Federal Unemployment Tax Act, 26 USCS Section 3304(c), for any year, then the payment required by such instrumentality with respect to such year shall be deemed to have been erroneously collected and shall be refunded by the department from the fund in accordance with the provisions of Section 71-5-383.

(f) Service performed in the employ of an "employer" as defined by the Railroad Unemployment Insurance Act, 45 USCS Section 351(a), or as an "employee representative" as defined by the Railroad Unemployment Insurance Act, 45 USCS Section 351(f), and service with respect to which unemployment compensation is payable under an unemployment compensation system for maritime employees, or under any other unemployment compensation system established by an act of Congress; however, the department is authorized and directed to enter into agreements with the proper agencies under such act or acts of Congress, which agreements shall become effective ten (10) days after publication thereof in the manner provided in Section 71-5-117 for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment compensation under such act or acts of Congress or who have, after acquiring potential rights to

unemployment compensation under such act or acts of Congress, acquired rights to benefits under this chapter.

(g) Service performed in any calendar quarter in the employ of any organization exempt from income tax under the Internal Revenue Code, 26 USCS Section 501(a) (other than an organization described in 26 USCS Section 401(a)), or exempt from income tax under 26 USCS Section 521 if the remuneration for such service is less than Fifty Dollars (\$50.00).

(h) Service performed in the employ of a school, college, or university if such service is performed:

(i) By a student who is enrolled and is regularly attending classes at such school, college or university, or

(ii) By the spouse of such a student if such spouse is advised, at the time such spouse commences to perform such service, that

(A) The employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and

(B) Such employment will not be covered by any program of unemployment insurance.

(i) Service performed by an individual under the age of twenty-two (22) who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program and such institution has so certified to the employer, except that this subparagraph shall not apply to service

performed in a program established for or on behalf of an employer or group of employers.

(j) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital, as defined in subsection N of this section.

(k) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and services performed as an intern in the employ of a hospital by an individual who has completed a four-year course in a medical school chartered or approved pursuant to state law.

(l) Service performed by an individual as an insurance agent or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission.

(m) Service performed by an individual under the age of eighteen (18) in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

(n) If the services performed during one-half (1/2) or more of any pay period by an employee for the employing unit employing him constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half (1/2) of any such pay period by an employee for the employing unit employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection, the term "pay period" means a period (of not more than thirty-one (31) consecutive days) for which a payment of remuneration is ordinarily made to the employee by the employing unit employing him.

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(o) Service performed by a barber or beautician whose work station is leased to him or her by the owner of the shop in which he or she works and who is compensated directly by the patrons he or she serves and who is free from direction and control by the lessor.

K. "Employment office" means a free public employment office or branch thereof, operated by this state or maintained as a part of the state controlled system of public employment offices.

L. "Public employment service" means the operation of a program that offers free placement and referral services to applicants and employers, including job development.

M. "Fund" means the Unemployment Compensation Fund established by this chapter, to which all contributions required and from which all benefits provided under this chapter shall be paid.

N. "Hospital" means an institution which has been licensed, certified, or approved by the State Department of Health as a hospital.

O. "Institution of higher learning," for the purposes of this section, means an educational institution which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized in this state to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation;

(4) Is a public or other nonprofit institution;

(5) Notwithstanding any of the foregoing provisions of this subsection, all colleges and universities in this state are institutions of higher learning for purposes of this section.

P. (1) "State" includes, in addition to the states of the United States of America, the District of Columbia, Commonwealth of Puerto Rico and the Virgin Islands.

(2) The term "United States" when used in a geographical sense includes the states, the District of Columbia, Commonwealth of Puerto Rico and the Virgin Islands.

(3) The provisions of paragraphs (1) and (2) of subsection P, as including the Virgin Islands, shall become effective on the day after the day on which the United States Secretary of Labor approves for the first time under Section 3304(a) of the Internal Revenue Code of 1954 an unemployment compensation law submitted to the secretary by the Virgin Islands for such approval.

Q. "Unemployment."

(1) An individual shall be deemed "unemployed" in any week during which he performs no services and with respect to which no wages are payable to him, or in any week of less than full-time work if the wages payable to him with respect to such week are less than his weekly benefit amount as computed and adjusted in Section 71-5-505. The department shall prescribe regulations applicable to unemployed individuals, making such distinctions in the procedure as to total unemployment, part-total unemployment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work, as the department deems necessary.

(2) An individual's week of total unemployment shall be deemed to commence only after his registration at an employment office, except as the department may by regulation otherwise prescribe.

R. (1) "Wages" means all remuneration for personal services, including commissions and bonuses and the cash value of all remuneration in any medium other than cash, except that "wages," for purposes of determining employer's coverage and payment of contributions for agricultural and domestic service means cash remuneration only. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the department; however, that the term "wages" shall not include:

(a) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of:

(i) Retirement, or

(ii) Sickness or accident disability, or

(iii) Medical or hospitalization expenses in connection with sickness or actual disability, or

(iv) Death, provided the employee:

(A) Has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employer, and

(B) Has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit or to receive a cash consideration in lieu of such benefit, either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer;

(b) Dismissal payments which the employer is not legally required to make;

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(c) Payment by an employer (without deduction from the remuneration of an employee) of the tax imposed by the Internal Revenue Code, 26 USCS Section 3101;

(d) From and after January 1, 1992, the amount of any payment made to or on behalf of an employee for a "cafeteria" plan, which meets the following requirements:

(i) Qualifies under Section 125 of the Internal Revenue Code;

(ii) Covers only employees;

(iii) Covers only noncash benefits;

(iv) Does not include deferred compensation plans.

(2) [Not enacted].

S. "Week" means calendar week or such period of seven (7) consecutive days as the department may by regulation prescribe. The department may by regulation prescribe that a week shall be deemed to be in, within, or during any benefit year which includes any part of such week.

T. "Insured work" means "employment" for "employers."

U. The term "includes" and "including," when used in a definition contained in this chapter, shall not be deemed to exclude other things otherwise within the meaning of the term defined.

V. "Employee leasing arrangement" means any agreement between an employee leasing firm and a client, whereby specified client responsibilities such as payment of wages, reporting of wages for unemployment insurance purposes, payment of unemployment insurance contributions and other such administrative duties are to be performed by an employee leasing firm, on an ongoing basis.

W. "Employee leasing firm" means any entity which provides specified duties for a client company such as payment of wages, reporting of wages for unemployment insurance purposes, payment of unemployment insurance contributions and other administrative

duties, in connection with the client's employees, that are directed and controlled by the client and that are providing ongoing services for the client.

X. (1) "Temporary help firm" means an entity which hires its own employees and provides those employees to other individuals or organizations to perform some service, to support or supplement the existing workforce in special situations such as employee absences, temporary skill shortages, seasonal workloads and special assignments and projects, with the expectation that the worker's position will be terminated upon the completion of the specified task or function.

(2) "Temporary employee" means an employee assigned to work for the clients of a temporary help firm.

Y. For the purposes of this chapter, the term "notice" shall include any official communication, statement or other correspondence required under the administration of this chapter, and sent by the department through the United States Postal Service or electronic or digital transfer, via modem or the Internet.

SECTION 10. Section 71-5-19, Mississippi Code of 1972, is reenacted and amended as follows:

71-5-19. (1) Whoever makes a false statement or representation knowing it to be false, or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this chapter or under an employment security law of any other state, of the federal government or of a foreign government, either for himself or for any other person, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment for not longer than thirty (30) days, or by both such fine and imprisonment; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense.

(2) Any employing unit, any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining subject hereto, or to avoid or reduce any contribution or other payment required from any employing unit under this chapter, or who willfully fails or refuses to make any such contribution or other payment, or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment for not longer than sixty (60) days, or by both such fine and imprisonment; and each such false statement, or representation, or failure to disclose a material fact, and each day of such failure or refusal shall constitute a separate offense. In lieu of such fine and imprisonment, the employing unit or representative, or both employing unit and representative, if such representative is an employing unit in this state and is found to be a party to such violation, shall not be eligible for a contributions rate of less than five and four-tenths percent (5.4%) for the tax year in which such violation is discovered by the department and for the next two (2) succeeding tax years.

(3) Any person who shall willfully violate any provision of this chapter or any other rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this chapter and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment for not longer than sixty (60) days, or by both such fine and imprisonment; and each day such violation continues

shall be deemed to be a separate offense. In lieu of such fine and imprisonment, the employing unit or representative, or both employing unit and representative, if such representative is an employing unit in this state and is found to be a party to such violation, shall not be eligible for a contributions rate of less than five and four-tenths percent (5.4%) for the tax year in which the violation is discovered by the department and for the next two (2) succeeding tax years.

(4) (a) An overpayment of benefits occurs when a person receives benefits under this chapter:

(i) While any conditions for the receipt of benefits imposed by this chapter were not fulfilled in his case;

(ii) While he was disqualified from receiving benefits; or

(iii) When such person receives benefits and is later found to be disqualified or ineligible for any reason, including, but not limited to, a redetermination or reversal by the department or the courts of a previous decision to award such person benefits.

(b) Any person receiving an overpayment shall, in the discretion of the department, be liable to have such sum deducted from any future benefits payable to him under this chapter and shall be liable to repay to the department for the Unemployment Compensation Fund a sum equal to the overpayment amount so received by him; and such sum shall be collectible in the manner provided in Sections 71-5-363 through 71-5-383 for the collection of past-due contributions. In addition to Sections 71-5-363 through 71-5-383, the following shall apply to cases involving damages for overpaid unemployment benefits which have been obtained and/or received through fraud as defined by department regulations and laws governing the department. By definition, fraud can include failure to report earnings while filing for unemployment benefits. In the event of fraud, a penalty of twenty

percent (20%) of the amount of the overpayment shall be assessed. Three-fourths (3/4) of that twenty percent (20%) penalty shall be deposited into the unemployment trust fund and shall be used only for the purpose of payment of unemployment benefits. The remainder of that twenty percent (20%) penalty shall be deposited into the Special Employment Security Administrative Fund. Interest on the overpayment balance shall accrue at a rate of one percent (1%) per month on the unpaid balance until repaid and shall be deposited into the Special Employment Security Administration Fund. All interest, penalties and damages deposited into the Special Employment Security Administration Fund shall be used by the department for administration of the Mississippi Department of Employment Security.

(c) Any such judgment against such person for collection of such overpayment shall be in the form of a seven-year renewable lien. Unless action be brought thereon prior to expiration of the lien, the department must refile the notice of the lien prior to its expiration at the end of seven (7) years. There shall be no limit upon the number of times the department may refile notices of liens for collection of overpayments.

(5) The department, by agreement with another state or the United States, as provided under Section 303(g) of the Social Security Act, may recover any overpayment of benefits paid to any individual under the laws of this state or of another state or under an unemployment benefit program of the United States. Any overpayments subject to this subsection may be deducted from any future benefits payable to the individual under the laws of this state or of another state or under an unemployment program of the United States.

SECTION 11. Section 71-5-101, Mississippi Code of 1972, is reenacted as follows:

71-5-101. There is established the Mississippi Department of Employment Security, Office of the Governor. The Department of

Employment Security shall be the Mississippi Employment Security Commission and shall retain all powers and duties as granted to the Mississippi Employment Security Commission. Wherever the term "Employment Security Commission" appears in any law, the same shall mean the Mississippi Department of Employment Security, Office of the Governor. The Executive Director of the Department of Employment Security may assign to the appropriate offices such powers and duties deemed appropriate to carry out the lawful functions of the department.

SECTION 12. Section 71-5-107, Mississippi Code of 1972, is reenacted as follows:

71-5-107. The department shall administer this chapter through a full-time salaried executive director, to be appointed by the Governor, with the advice and consent of the Senate. He shall be responsible for the administration of this chapter under authority delegated to him by the Governor.

SECTION 13. Section 71-5-109, Mississippi Code of 1972, is reenacted as follows:

71-5-109. There is created a Board of Review consisting of three (3) members to be appointed by the executive director. The executive director shall designate one (1) member of the Board of Review as chairman. Each member shall be paid a salary or per diem at a rate to be determined by the executive director, and such expenses as may be allowed by the executive director. All salaries, per diem and expenses of the Board of Review shall be paid from the Employment Security Administration Fund.

SECTION 14. Section 71-5-111, Mississippi Code of 1972, is reenacted as follows:

71-5-111. There is created in the State Treasury a special fund to be known as the Employment Security Administration Fund. All monies which are deposited or paid into this fund are appropriated and made available to the department. All monies in this fund shall be expended solely for the purpose of defraying

the cost of administration of this chapter, and for no other purpose whatsoever. The fund shall consist of all monies appropriated by this state and all monies received from the United States of America, or any agency thereof, or from any other source for such purpose. Notwithstanding any provision of this section, all monies requisitioned and deposited in this fund pursuant to Section 71-5-457 shall remain part of the Employment Security Administration Fund and shall be used only in accordance with the conditions specified in that section. All monies in this fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury. The State Treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the Employment Security Administration Fund under this chapter.

SECTION 15. Section 71-5-112, Mississippi Code of 1972, is reenacted as follows:

71-5-112. All funds received by the Mississippi Department of Employment Security shall clear through the State Treasury as provided and required by Sections 71-5-111 and 71-5-453. All expenditures from the administration fund of the department authorized by Section 71-5-111 shall be expended only pursuant to appropriation approved by the Legislature and as provided by law.

SECTION 16. Section 71-5-113, Mississippi Code of 1972, is reenacted as follows:

71-5-113. All monies received from the Social Security Board or its successors for the administration of this chapter shall be expended solely for the purposes and in the amounts found necessary by the Social Security Board or its successors for the proper and efficient administration of this chapter.

It shall be the duty of the department to take appropriate action with respect to the replacement, within a reasonable time, of any monies received from the Social Security Board, or its

successors, for the administration of this chapter, and monies used to match grants pursuant to the provisions of the Wagner-Peyser Act, which the board, or its successors, find, because of any action or contingency, have been lost or have been expended for purposes other than, or in amounts in excess of those found necessary by the Social Security Board, or its successors, for the proper administration of this chapter. Funds which have been expended by the department or its agents in accordance with the budget approved by the Social Security Board, or its successors, or in accordance with the general standards and limitations promulgated by the Social Security Board, or its successors, prior to such expenditure (where proposed expenditures have not been specifically disapproved by the Social Security Board, or its successors), shall not be deemed to require replacement. To effectuate the purposes of this paragraph, it shall be the duty of the department to take such action to safeguard the expenditure of the funds referred to herein as it deems necessary. In the event of a loss of such funds or an improper expenditure thereof as herein defined, it shall be the duty of the department to notify the Governor of any such loss or improper expenditure and submit to him a request for an appropriation in the amount thereof. The Governor shall transmit to the next regular session of the Legislature following such notification, the department's request for an appropriation in an amount necessary to replace funds which have been lost or improperly expended as defined above. Such request of the department for an appropriation shall not be subject to the provisions of Sections 27-103-101 through 27-103-139. The Legislature recognizes its obligation to replace such funds as may be necessary and shall make necessary appropriations in accordance with such requests.

SECTION 17. Section 71-5-114, Mississippi Code of 1972, is reenacted and amended as follows:

71-5-114. There is created in the State Treasury a special fund, to be known as the "Special Employment Security Administration Fund," into which shall be deposited or transferred all interest, penalties and damages collected on and after July 1, 1982, pursuant to Sections 71-5-363 through 71-5-379 and all interest and penalties required to be deposited into the fund pursuant to Section 71-5-19(4) (b). Interest, penalties and damages collected on delinquent payments deposited during any calendar quarter in the clearing account in the Unemployment Trust Fund shall, as soon as practicable after the close of such calendar quarter, be transferred to the Special Employment Security Administration Fund. All monies in this fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury. The State Treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the Special Employment Security Administration Fund under this chapter. Those monies may be expended for any programs for which the department has administrative responsibility but shall not be expended or made available for expenditure in any manner which would permit their substitution for (or permit a corresponding reduction in) federal funds which would, in the absence of those monies, be available to finance expenditures for the administration of the state unemployment compensation and employment service laws or any other laws directing the administration of any programs for which the department has the administrative responsibility. Nothing in this section shall prevent those monies in this fund from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when necessary. The monies in this fund may be used by the department for the payment of costs of administration of the

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employment security laws of this state which are found not to be or not to have been properly and validly chargeable against funds obtained from federal sources. All monies in this Special Employment Security Administration Fund shall be continuously available to the department for expenditure in accordance with the provisions of this chapter, and shall not lapse at any time. The monies in this fund are specifically made available to replace, as contemplated by Section 71-5-113, expenditures from the Employment Security Administration Fund established by Section 71-5-111, which have been found, because of any action or contingency, to have been lost or improperly expended.

The department, whenever it is of the opinion that the money in the Special Employment Security Administration Fund is more than ample to pay for all foreseeable needs for which such special fund is set up, may, by written order, order the transfer therefrom to the Unemployment Compensation Fund of such amount of money in the Special Employment Security Administration Fund as it deems proper, and the same shall thereupon be immediately transferred to the Unemployment Compensation Fund.

SECTION 18. Section 71-5-115, Mississippi Code of 1972, is reenacted as follows:

71-5-115. It shall be the duty of the executive director to administer this chapter; and the executive director shall have the power and authority to adopt, amend or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as he deems necessary or suitable to that end. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this chapter, which the executive director shall prescribe. The executive director shall determine the department's own organization and methods of procedure in accordance with the provisions of this chapter, and shall have an official seal which shall be judicially

noticed. Not later than the first day of February in each year, the executive director shall submit to the Governor a report covering the administration and operation of this chapter during the preceding fiscal year and shall make such recommendations for amendments to this chapter as the executive director deems proper. Whenever the executive director believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, he shall promptly so inform the Governor and the Legislature, and make recommendations with respect thereto.

SECTION 19. Section 71-5-117, Mississippi Code of 1972, is reenacted as follows:

71-5-117. General rules may be adopted, amended or rescinded by the executive director only after public hearing or opportunity to be heard thereon, of which proper notice has been given. General rules shall become effective ten (10) days after filing with the Secretary of State and publication in one or more newspapers of general circulation in this state. Regulations may be adopted, amended or rescinded by the executive director and shall become effective in the manner and at the time prescribed by the executive director.

SECTION 20. Section 71-5-119, Mississippi Code of 1972, is reenacted as follows:

71-5-119. The department shall cause to be available for distribution to the public the text of this chapter, its regulations and general rules, its reports to the Governor, and any other material it deems relevant and suitable, and shall furnish the same to any person upon application therefor.

SECTION 21. Section 71-5-121, Mississippi Code of 1972, is reenacted as follows:

71-5-121. Subject to other provisions of this chapter, the executive director is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts and other persons as may be necessary in the

performance of department duties; however, all personnel who were former members of the Armed Forces of the United States of America shall be given credit regardless of rate, rank or commission. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis, in accordance with Section 25-9-101 et seq., that provides for a state service personnel system. The executive director shall not employ any person who is an officer or committee member of any political party organization. The executive director may delegate to any such person so appointed such power and authority as he deems reasonable and proper for the effective administration of this chapter, and may in his discretion bond any person handling monies or signing checks hereunder. The veteran status of an individual shall be considered and preference given in accordance with the provisions of the State Personnel Board.

The department and its employees are exempt from Sections 25-15-101 and 25-15-103.

The department may use federal granted funds to provide such group health, life, accident and hospitalization insurance for its employees as may be agreed upon by the department and the federal granting authorities.

The department shall adopt a "layoff formula" to be used wherever it is determined that, because of reduced workload, budget reductions or in order to effect a more economical operation, a reduction in force shall occur in any group.

In establishing this formula, the department shall give effect to the principle of seniority and shall provide that seniority points may be added for disabled veterans and veterans, with due regard to the efficiency of the service. Any such layoff formula shall be implemented according to the policies, rules and regulations of the State Personnel Board.

SECTION 22. Section 71-5-123, Mississippi Code of 1972, is reenacted as follows:

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71-5-123. The executive director shall retain all powers and duties as granted to the state advisory council appointed by the former Employment Security Commission. The executive director may appoint local advisory councils, composed in each case of an equal number of employer representatives and employee representatives who may fairly be regarded as representative because of their vocation, employment or affiliations, and of such members representing the general public as the executive director may designate. Such councils shall aid the department in formulating policies and discussing problems related to the administration of this chapter and in assuring impartiality and freedom from political influence in the solution of such problems. Members of the advisory councils shall receive a per diem in accordance with Section 25-3-69 for attendance upon meetings of the council, and shall be reimbursed for actual and necessary traveling expenses. The per diem and expenses herein authorized shall be paid from the Employment Security Administration Fund.

SECTION 23. Section 71-5-125, Mississippi Code of 1972, is reenacted as follows:

71-5-125. The department shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise and assist in the establishment and operation, by municipalities, counties, school districts and the state, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of unemployed workers throughout the state in every other way that may be feasible; and to these ends to carry on and publish the results of investigation and research studies.

SECTION 24. Section 71-5-127, Mississippi Code of 1972, is reenacted as follows:

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71-5-127. (1) Any information or records concerning an individual or employing unit obtained by the department pursuant to the administration of this chapter or any other federally funded programs for which the department has responsibility shall be private and confidential, except as otherwise provided in this article or by regulation. Information or records may be released by the department when the release is required by the federal government in connection with, or as a condition of funding for, a program being administered by the department.

(2) Each employing unit shall keep true and accurate work records, containing such information as the department may prescribe. Such records shall be open to inspection and be subject to being copied by the department or its authorized representatives at any reasonable time and as often as may be necessary. The department, Board of Review and any referee may require from any employing unit any sworn or unsworn reports with respect to persons employed by it which they or any of them deem necessary for the effective administration of this chapter. Information, statements, transcriptions of proceedings, transcriptions of recordings, electronic recordings, letters, memoranda, and other documents and reports thus obtained or obtained from any individual pursuant to the administration of this chapter shall, except to the extent necessary for the proper administration of this chapter, be held confidential and shall not be published or be opened to public inspection (other than to public employees in the performance of their public duties) in any manner revealing the individual's or employing unit's identity.

(3) Any claimant or his legal representative at a hearing before an appeal tribunal or the Board of Review shall be supplied with information from such records to the extent necessary for the proper presentation of his claim in any proceeding pursuant to this chapter.

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(4) Any employee or member of the Board of Review or any employee of the department who violates any provisions of this section shall be fined not less than Twenty Dollars (\$20.00) nor more than Two Hundred Dollars (\$200.00), or imprisoned for not longer than ninety (90) days, or both.

(5) The department may make the state's records relating to the administration of this chapter available to the Railroad Retirement Board, and may furnish the Railroad Retirement Board, at the expense of such board, such copies thereof as the Railroad Retirement Board deems necessary for its purposes. The department may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law.

SECTION 25. Section 71-5-129, Mississippi Code of 1972, is reenacted as follows:

71-5-129. Records hereinafter designated, which are found by the department to be useless, may be disposed of in accordance with approved records control schedules.

(a) Records which have been preserved by it for not less than three (3) years:

- (1) Initial claims for benefits,
- (2) Continued claims for benefits,
- (3) Correspondence and master index cards in connection with such claims for benefits, and
- (4) Individual wage slips filed by employers subject to the provisions of the Unemployment Compensation Law.

(b) Records which have been preserved by it for not less than six (6) months after becoming inactive:

- (1) Work applications,
- (2) Cross-index cards for work applications,
- (3) Test records,
- (4) Employer records,
- (5) Work orders,

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- (6) Clearance records,
- (7) Counseling records,
- (8) Farm placement records, and
- (9) Correspondence relating to all such records.

Nothing herein contained shall be construed as authorizing the destruction or disposal of basic fiscal records reflecting the financial operations of the department and no records may be destroyed without the approval of the Director of the Department of Archives and History.

SECTION 26. Section 71-5-131, Mississippi Code of 1972, is reenacted as follows:

71-5-131. All letters, reports, communications, or any other matters, either oral or written, from the employer or employee to each other or to the department or any of its agents, representatives or employees, which shall have been written, sent, delivered or made in connection with the requirements and administration of this chapter shall be absolutely privileged and shall not be made the subject matter or basis of any suit for slander or libel in any court of the State of Mississippi unless the same be false in fact and maliciously written, sent, delivered or made for the purpose of causing a denial of benefits under this chapter.

SECTION 27. Section 71-5-133, Mississippi Code of 1972, is reenacted as follows:

71-5-133. In any case where an employing unit or any officer, member or agent thereof, or any other person having possession of the records thereof, shall fail or refuse upon demand by the department or its duly appointed agents to produce or permit the examination or copying of any book, paper, account, record or other data pertaining to payrolls or employment or ownership of interests or stock in any employing unit, or bearing upon the correctness of any report, or for the purpose of making a report as required by this chapter where none has been made, then

and in that event the department or its duly authorized agents may, by the issuance of a subpoena, require the attendance of such employing unit or any officer, member or agent thereof, or any other person having possession of the records thereof, and take testimony with respect to any such matter and may require any such person to produce any books or records specified in such subpoena. The department or its authorized agents at any such hearing shall have power to administer oaths to any such person or persons. When any person called as a witness by a subpoena signed by the department or its agents and served upon him by the sheriff of a county of which such person is a resident, or wherein is located the principal office of such employing unit or wherein such records are located or kept, shall fail to obey such subpoena to appear before the department or its authorized agent, or shall refuse to testify or to answer any questions or to produce any book, record, paper or other data when required to do so, such failure or refusal shall be reported to the Attorney General, who shall thereupon institute proceedings by the filing of a petition in the name of the State of Mississippi, on the relation of the department, in the circuit court or other court of competent jurisdiction of the county where such witness resides, or wherein such records are located or kept, to compel the obedience of such witness. Such petition shall set forth the facts and circumstances of the demand for and refusal or failure to permit the examination or copying of such records, or the failure or refusal of such witness to testify in answer to such subpoena or to produce the records so required by such subpoena. Such court, upon the filing and docketing of such petition, shall thereupon promptly issue an order to the defendants named in the petition to produce forthwith in such court, or at a place in such county designated in such order for the examination or copying by the department or its duly appointed agents, the records, books or documents so described, and to testify concerning matters

described in such petition. Unless such defendants to such petition shall appear in the court upon a day specified in such order, which day shall be not more than ten (10) days after the date of issuance of such order, and offer, under oath, good and sufficient reasons why such examination or copying should not be permitted, or why such subpoena should not be obeyed, such court shall thereupon deliver to the department or its agents, for examination or copying, the records, books and documents so described in the petition and so produced in such court, and shall order the defendants to appear in answer to the subpoena of the department or its agents, and to testify concerning matters inquired about by the department. Any employing unit or any officer, member or agent thereof, or any other person having possession of the records thereof, who shall willfully disobey such order of the court after the same shall have been served upon him shall be guilty of indirect contempt of such court from which such order shall have issued, and may be adjudged in contempt of the court and punished therefor as provided by law.

SECTION 28. Section 71-5-135, Mississippi Code of 1972, is reenacted as follows:

71-5-135. If any employing unit fails to make any report required by this chapter, the department or its authorized agents shall give notice to such employing unit to make and file such report within fifteen (15) days from the date of such notice. If such employing unit, by its proper members, officers or agents, shall fail or refuse to make and file such reports within such time, then and in that event such report shall be made by the department or its authorized agents from the best information available, and the amount of contributions due shall be computed thereon; and such report shall be prima facie correct for the purposes of this chapter.

SECTION 29. Section 71-5-137, Mississippi Code of 1972, is reenacted as follows:

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71-5-137. In the discharge of the duties imposed by this chapter, the department, any referee, the members of the Board of Review, and any duly authorized representative of any of them shall have power to administer oaths and affirmations, to take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records deemed necessary as evidence in connection with a disputed claim or the administration of this chapter.

SECTION 30. Section 71-5-139, Mississippi Code of 1972, is reenacted as follows:

71-5-139. In case of contumacy or refusal to obey a subpoena issued to any person, any court in this state within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the department, the Board of Review, any referee, or any duly authorized representative of any of them, shall have jurisdiction to issue to such person an order requiring such person to appear before the department, the Board of Review, any referee, or any duly authorized representative of any of them, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt thereof. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda and other records if it is in his power so to do, in obedience to a subpoena of the department, the Board of Review, any referee, or any duly authorized representative of any of them, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00), or by imprisonment for not longer than sixty (60) days, or by both such

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fine and imprisonment; and each day such violation continues shall be deemed to be a separate offense.

SECTION 31. Section 71-5-141, Mississippi Code of 1972, is reenacted as follows:

71-5-141. No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda and other records before the department, the Board of Review, any referee, or any duly authorized representative of any of them, or in obedience to the subpoena of any of them in any cause or proceeding before the department, the Board of Review or an appeal tribunal, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

SECTION 32. Section 71-5-143, Mississippi Code of 1972, is reenacted as follows:

71-5-143. In the administration of this chapter, the department shall cooperate, to the fullest extent consistent with the provisions of this chapter, with the Social Security Board created by the Social Security Act, approved August 14, 1935, as amended; shall make such reports in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with the reasonable, valid and lawful regulations prescribed by the Social Security Board pursuant to and under the authority of

the Social Security Act, governing the expenditures of such sums as may be allotted and paid to this state under Title III of the Social Security Act, as amended, for the purpose of assisting in the administration of this chapter.

Upon request therefor, the department shall furnish to any agency of the United States charged with the administration of public works, or assistance through public employment, the name, address, ordinary occupation and employment status of each recipient of benefits, and such recipient's rights to further benefits under this chapter.

SECTION 33. Section 71-5-201, Mississippi Code of 1972, is reenacted as follows:

71-5-201. The Mississippi State Employment Service is established in the Mississippi Department of Employment Security, Office of the Governor. The department, in the conduct of such service, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this article and for the purpose of performing such functions as are within the purview of the act of Congress entitled "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes" (29 USCS Section 49 et seq.). Any existing free public employment offices maintained by the state but not heretofore under the jurisdiction of the department shall be transferred to the jurisdiction of the department, and upon such transfer all duties and powers conferred upon any other department, agency or officers of this state relating to the establishment, maintenance and operation of free public employment offices shall be vested in the department. The Mississippi State Employment Service shall be administered by the department, which is charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the act of Congress, as amended, and to do

and perform all things necessary to secure to this state the benefits of that act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of that act of Congress, as amended, are accepted by this state, in conformity with 29 USCS Section 498, and this state will observe and comply with the requirements thereof. The department is designated and constituted the agency of this state for the purposes of that act. The department may cooperate with or enter into agreements with the Railroad Retirement Board or veteran's organization with respect to the establishment, maintenance and use of free employment service facilities.

SECTION 34. Section 71-5-357, Mississippi Code of 1972, is reenacted and amended as follows:

71-5-357. Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this section. For the purpose of this section, a nonprofit organization is an organization (or group of organizations) described in Section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from income tax under Section 501(a) of such code (26 USCS Section 501).

(a) Any nonprofit organization which, under Section 71-5-11, subsection I(3), is or becomes subject to this chapter shall pay contributions under the provisions of Sections 71-5-351 through 71-5-355 unless it elects, in accordance with this paragraph, to pay to the department for the unemployment fund an amount equal to the amount of regular benefits and one-half (1/2) of the extended benefits paid, that is attributable to service in the employ of such nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of such election.

(i) Any nonprofit organization which becomes subject to this chapter may elect to become liable for payments in lieu of contributions for a period of not less than twelve (12)

months, beginning with the date on which such subjectivity begins, by filing a written notice of its election with the department not later than thirty (30) days immediately following the date of the determination of such subjectivity.

(ii) Any nonprofit organization which makes an election in accordance with subparagraph (i) of this paragraph will continue to be liable for payments in lieu of contributions unless it files with the department a written termination notice not later than thirty (30) days prior to the beginning of the tax year for which such termination shall first be effective.

(iii) Any nonprofit organization which has been paying contributions under this chapter may change to a reimbursable basis by filing with the department, not later than thirty (30) days prior to the beginning of any tax year, a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next tax year.

(iv) The department may for good cause extend the period within which a notice of election or a notice of termination must be filed, and may permit an election to be retroactive.

(v) The department, in accordance with such regulations as it may prescribe, shall notify each nonprofit organization of any determination which it may make of its status as an employer, of the effective date of any election which it makes and of any termination of such election. Such determinations shall be subject to reconsideration, appeal and review in accordance with the provisions of Sections 71-5-351 through 71-5-355.

(b) Payments in lieu of contributions shall be made in accordance with the provisions of subparagraph (i) of this paragraph.

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(i) At the end of each calendar quarter, or at the end of any other period as determined by the department, the department shall bill each nonprofit organization (or group of such organizations) which has elected to make payments in lieu of contributions, for an amount equal to the full amount of regular benefits plus one-half (1/2) of the amount of extended benefits paid during such quarter or other prescribed period that is attributable to service in the employ of such organization.

(ii) Payment of any bill rendered under subparagraph (i) of this paragraph shall be made not later than forty-five (45) days after such bill was delivered to the nonprofit organization, unless there has been an application for review and redetermination in accordance with subparagraph (v) of this paragraph.

1. All of the enforcement procedures for the collection of delinquent contributions contained in Sections 71-5-363 through 71-5-383 shall be applicable in all respects for the collection of delinquent payments due by nonprofit organizations who have elected to become liable for payments in lieu of contributions.

2. If any nonprofit organization is delinquent in making payments in lieu of contributions, the department may terminate such organization's election to make payments in lieu of contributions as of the beginning of the next tax year, and such termination shall be effective for the balance of such tax year.

(iii) Payments made by any nonprofit organization under the provisions of this paragraph shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.

(iv) Payments due by employers who elect to reimburse the fund in lieu of contributions as provided in this paragraph may not be noncharged under any condition. The

reimbursement must be on a dollar-for-dollar basis (One Dollar (\$1.00) reimbursement for each dollar paid in benefits) in every case, so that the trust fund shall be reimbursed in full, such reimbursement to include, but not be limited to, benefits or payments erroneously or incorrectly paid, or paid as a result of a determination of eligibility which is subsequently reversed, or paid as a result of claimant fraud. However, political subdivisions who are reimbursing employers may elect to pay to the fund an amount equal to five-tenths percent (.5%) through December 31, 2010, and shall pay twenty-five one-hundredths percent (.25%) thereafter of the taxable wages paid during the calendar year with respect to employment, and those employers who so elect shall be relieved of liability for reimbursement of benefits paid under the same conditions that benefits are not charged to the experience-rating record of a contributing employer as provided in Section 71-5-355(2)(b)(ii) other than Clause 5 thereof. Benefits paid in such circumstances for which reimbursing employers are relieved of liability for reimbursement shall not be considered attributable to service in the employment of such reimbursing employer.

(v) The amount due specified in any bill from the department shall be conclusive on the organization unless, not later than fifteen (15) days after the bill was delivered to it, the organization files an application for redetermination by the department, setting forth the grounds for such application or appeal. The department shall promptly review and reconsider the amount due specified in the bill and shall thereafter issue a redetermination in any case in which such application for redetermination has been filed. Any such redetermination shall be conclusive on the organization unless, not later than fifteen (15) days after the redetermination was delivered to it, the organization files an appeal to the Circuit Court of the First Judicial District of Hinds County, Mississippi, in accordance with

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the provisions of law with respect to review of civil causes by certiorari.

(vi) Past~~due~~ payments of amounts in lieu of contributions shall be subject to the same interest and penalties that, pursuant to Section 71-5-363, apply to past~~due~~ contributions.

(c) Each employer that is liable for payments in lieu of contributions shall pay to the department for the fund the amount of regular benefits plus the amount of one-half (1/2) of extended benefits paid are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one (1) employer and one or more of such employers are liable for payments in lieu of contributions, the amount payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of subparagraph (i) or subparagraph (ii) of this paragraph.

(i) If benefits paid to an individual are based on wages paid by one or more employers that are liable for payment in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bear to the total base period wages paid to the individual by all of his base period employers.

(ii) If benefits paid to an individual are based on wages paid by two (2) or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bear to

the total base period wages paid to the individual by all of his base period employers.

(d) In the discretion of the department, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required to execute and file with the department a surety bond approved by the department, or it may elect instead to deposit with the department money or securities. The amount of such bond or deposit shall be determined in accordance with the provisions of this paragraph.

(i) The amount of the bond or deposit required by paragraph (d) shall be equal to two and seven-tenths percent (2.7%) thereafter to December 31, 2010, and one and thirty-five one-hundredths percent (1.35%) thereafter, of the organization's taxable wages paid for employment as defined in Section 71-5-11, subsection J(4), for the four (4) calendar quarters immediately preceding the effective date of the election, the renewal date in the case of a bond, or the biennial anniversary of the effective date of election in the case of a deposit of money or securities, whichever date shall be most recent and applicable. If the nonprofit organization did not pay wages in each of such four (4) calendar quarters, the amount of the bond or deposit shall be as determined by the department.

(ii) Any bond deposited under paragraph (d) shall be in force for a period of not less than two (2) tax years and shall be renewed with the approval of the department at such times as the department may prescribe, but not less frequently than at intervals of two (2) years as long as the organization continues to be liable for payments in lieu of contributions. The department shall require adjustments to be made in a previously filed bond as it deems appropriate. If the bond is to be increased, the adjusted bond shall be filed by the organization within thirty (30) days of the date notice of the required adjustment was delivered to it. Failure by any organization

covered by such bond to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties provided in paragraph (b)(v) of this section, shall render the surety liable on the bond to the extent of the bond, as though the surety was such organization.

(iii) Any deposit of money or securities in accordance with paragraph (d) shall be retained by the department in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The department may deduct from the money deposited under paragraph (d) by a nonprofit organization, or sell the securities it has so deposited, to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalties provided for in paragraph (b)(v) of this section. The department shall require the organization, within thirty (30) days following any deduction from a money deposit or sale of deposited securities under the provisions hereof, to deposit sufficient additional money or securities to make whole the organization's deposit at the prior level. Any cash remaining from the sale of such securities shall be a part of the organization's escrow account. The department may, at any time, review the adequacy of the deposit made by any organization. If, as a result of such review, it determines that an adjustment is necessary, it shall require the organization to make additional deposit within thirty (30) days of notice of its determination or shall return to it such portion of the deposit as it no longer considers necessary, whichever action is appropriate. Disposition of income from securities held in escrow shall be governed by the applicable provisions of the state law.

(iv) If any nonprofit organization fails to file a bond or make a deposit, or to file a bond in an increased amount, or to increase or make whole the amount of a previously made

deposit as provided under this subparagraph, the department may terminate such organization's election to make payments in lieu of contributions, and such termination shall continue for not less than the four (4) consecutive calendar-quarter periods beginning with the quarter in which such termination becomes effective; however, the department may extend for good cause the applicable filing, deposit or adjustment period by not more than thirty (30) days.

(v) Group account shall be established according to regulations prescribed by the department.

(e) Any employer which elects to make payments in lieu of contributions into the Unemployment Compensation Fund as provided in this paragraph shall not be liable to make such payments with respect to the benefits paid to any individual whose base period wages include wages for previously uncovered services as defined in Section 71-5-511(e) to the extent that the Unemployment Compensation Fund is reimbursed for such benefits pursuant to Section 121 of Public Law 94-566.

SECTION 35. Section 71-5-359, Mississippi Code of 1972, is reenacted as follows:

71-5-359. (1) The Department of Finance and Administration shall, in the manner provided in subsection (3) of this section, pay, upon notice issued by the department, to the department for the Unemployment Compensation Fund an amount equal to the regular benefits and one-half (1/2) of the extended benefits paid that are attributable to service in the employ of a state agency. The amount required to be reimbursed by a certain agency shall be billed to the Department of Finance and Administration and shall be paid from the Employment Compensation Revolving Fund pursuant to subsection (3) of this section not later than thirty (30) days after such bill was sent, unless there has been an application for review and redetermination in accordance with Section 71-5-357(b) (v).

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(2) The Department of Finance and Administration shall, in the manner provided in subsection (3) of this section, pay, upon a notice issued by the department, to the department for the Unemployment Compensation Fund an amount equal to the regular benefits and the extended benefits paid that are attributable to service in the employ of a state agency. The amount required to be reimbursed by a certain agency shall be billed to the Department of Finance and Administration and shall be paid from the Employment Compensation Revolving Fund pursuant to subsection (3) of this section not later than thirty (30) days after such bill was sent, unless there has been an application for review and redetermination in accordance with Section 71-5-357(b) (v).

(3) Each agency of state government shall deposit monthly for a period of twenty-four (24) months an amount equal to one-twelfth of one percent ($1/12$ of 1%) of the first Six Thousand Dollars (\$6,000.00) paid to each employee thereof during the next preceding year into the Employment Compensation Revolving Fund that is created in the State Treasury. The Department of Finance and Administration shall determine the percentage to be applied to the amount of covered wages paid in order to maintain a balance in the revolving fund of not less than the amount determined by an actuary through an annual actuarial evaluation. The State Treasurer shall invest all funds in the Employment Compensation Revolving Fund and all interest earned shall be credited to the Employment Compensation Revolving Fund.

The reimbursement of benefits paid by the Mississippi Department of Employment Security shall be paid by the Department of Finance and Administration from the Employment Compensation Revolving Fund upon notice from the department; and the Department of Finance and Administration shall issue warrants or may contract for the performance of the duties prescribed by subsections (2) and (3) of this section, and other duties necessarily related thereto.

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(4) Any political subdivision of this state shall pay to the department for the unemployment compensation fund an amount equal to the regular benefits and the extended benefits paid that are attributable to service in the employ of such political subdivision unless it elects to make contributions to the unemployment fund as provided in subsection (9) of this section. The amount required to be reimbursed shall be billed and shall be paid as provided in Section 71-5-357, with respect to similar payments for nonprofit organizations.

(5) Each political subdivision, unless it elects to make contributions to the unemployment compensation fund as provided in subsection (9) of this section, shall establish a revolving fund and deposit an amount equal to two percent (2%) of the first Six Thousand Dollars (\$6,000.00) paid to each employee thereof during the next preceding year. However, the department shall by regulation establish a procedure to allow reimbursing political subdivisions to elect to maintain the balance in the revolving fund as required under this paragraph or to annually execute a surety bond to be approved by the department in an amount not less than two percent (2%) of the covered wages paid during the next preceding year.

(6) In the event any political subdivision becomes delinquent in payments due under this chapter, upon due notice, and upon certification of the delinquency by the department to the Department of Finance and Administration, the Department of Revenue, the Department of Environmental Quality and the Department of Insurance, or any of them, or any other agencies of the State of Mississippi that may be indebted to such delinquent political subdivision, such agencies shall direct the issuance of warrants which in the aggregate shall be the amount of such delinquency payable to the department and drawn upon any funds in the State Treasury which may be available to such political subdivision in satisfaction of any such delinquency. This remedy

shall be in addition to any other collection remedies in this chapter or otherwise provided by law.

(7) Payments made by any political subdivision under the provisions of this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.

(8) Any governmental entity shall not be liable to make payments to the unemployment fund with respect to the benefits paid to any individual whose base period wages include wages for previously uncovered services as defined in Section 71-5-511, subsection (e), to the extent that the Unemployment Compensation Fund is reimbursed for such benefits pursuant to Section 121 of Public Law 94-566.

(9) Any political subdivision of this state may elect to make contributions to the unemployment fund instead of making reimbursement for benefits paid as provided in subsections (4) and (5) of this section. A political subdivision which makes this election shall so notify the department, not later than three (3) months after it is officially organized or is otherwise established, and shall be subject to the provisions of Section 71-5-351, with regard to the payment of contributions. A political subdivision which makes this election shall pay contributions equal to two percent (2%) of taxable wages through calendar year 2010, and one percent (1%) of taxable wages thereafter paid by it during each calendar quarter it is subject to this chapter. The department shall by regulation establish a procedure to allow political subdivisions the option periodically to elect either the reimbursement or the contribution method of financing unemployment compensation coverage.

SECTION 36. Section 71-5-451, Mississippi Code of 1972, is reenacted as follows:

71-5-451. There is established as a special fund, separate and apart from all public monies or funds of this state, an

Unemployment Compensation Fund, which shall be administered by the department exclusively for:

- (a) All contributions collected under this chapter;
- (b) Interest earned upon any monies in the fund;
- (c) Any property or securities acquired through the use of monies belonging to the fund;
- (d) All earnings of such property or securities;
- (e) All monies credited to this state's account in the Unemployment Trust Fund pursuant to the Social Security Act, 42 USCS, Section 1104; and
- (f) By way of reimbursement in accordance with Section 204 of the Federal-State Extended Unemployment Compensation Act of 1970 (84 Stat. 711). All monies in the fund shall be mingled and undivided.

SECTION 37. Section 71-5-457, Mississippi Code of 1972, is reenacted as follows:

71-5-457. (1) Except as otherwise provided in subsection (5), money credited to the account of this state in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America pursuant to the Social Security Act, 42 USCS Section 1103, may be requisitioned and used for the payment of expenses incurred for the administration of this law pursuant to a specific appropriation by the Legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

- (a) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor;
- (b) Limits the period within which such money may be obligated to a period ending not more than two (2) years after the date of the enactment of the appropriation law; and
- (c) Limits the amount which may be obligated during a twelve-month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount by which:

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(i) The aggregate of the amounts credited to the account of this state pursuant to the Social Security Act, 42 USCS Section 1103, during the same twelve-month period and the thirty-four (34) preceding twelve-month periods exceeds.

(ii) The aggregate of the amounts obligated pursuant to this section and charged against the amounts credited to the account of this state during such thirty-five (35) twelve-month periods.

For the purposes of this section, amounts obligated during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the thirty-fourth preceding such period.

(2) Money credited to the account of this state pursuant to the Social Security Act, 42 USCS Section 1103, may not be withdrawn or used except for the payment of benefits and for the payment of expenses for the administration of this law and of public employment offices pursuant to this section.

(3) Money appropriated as provided herein for the payment of expenses of administration shall be requisitioned as needed for the payment of obligations incurred under such appropriation and, upon requisition, shall be deposited in the Employment Security Administration Fund, from which such payments shall be made. Money so deposited shall, until expended, remain a part of the Unemployment Compensation Fund and, if it will not be expended, shall be returned promptly to the account of this state in the Unemployment Trust Fund.

(4) The thirty-five-year limitation provided in this section is no longer in force, effective October 1, 1991.

(5) Notwithstanding subsection (1), monies credited with respect to federal fiscal years 1999, 2000 and 2001 shall be used

by the department solely for the administration of the unemployment compensation program.

SECTION 38. Section 71-5-503, Mississippi Code of 1972, is amended as follows:

71-5-503. An individual's weekly benefit amount for a benefit year shall be one-twenty-sixth ($1/26$) of his total wages for insured work paid during that quarter of his base period in which such total wages were highest, computed to the next lower multiple of One Dollar (\$1.00), if not a multiple of One Dollar (\$1.00).

On or before June 15 of each year, the total wages reported on contribution reports for the preceding calendar year shall be divided by the average monthly number of insured workers (determined by dividing the total insured workers reported on contribution reports pursuant to the regulations of the department for the preceding year by twelve (12)). The average annual wage thus obtained shall be divided by fifty-two (52) and the average weekly wage thus determined rounded to the nearest cent. Sixty percent (60%) of this amount, rounded to the nearest dollar, shall constitute the maximum "weekly benefit amount" paid to any individual whose benefit year commences on or after July 1 of such year and prior to July 1 of the next following year; provided however, that the maximum weekly benefit amount shall not exceed Two Hundred Ten Dollars (\$210.00) for any benefit year that begins on or after July 1, 2002, and shall not exceed Two Hundred Thirty Dollars (\$230.00) for any benefit year that begins on or after July 1, 2008, and shall not exceed Two Hundred Thirty-five Dollars (\$235.00) for any benefit year that begins on or after July 1, 2009. The minimum weekly benefit amount for the individual shall be Thirty Dollars (\$30.00). If an individual's weekly benefit amount would compute to less than the said minimum, then such individual would be entitled to no benefits.

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An individual's weekly benefit amount, as determined at the beginning of his benefit year, shall constitute his weekly benefit amount throughout such benefit year.

The Mississippi Department of Employment Security, with the assistance of the United States Department of Labor, is directed to generate actuarially sound models for computation of weekly benefit amounts. Such models shall include scenarios for increasing the weekly benefit amounts at each increment from the minimum to the maximum amount and the impact such increments would have on the Unemployment Compensation Fund. Such report shall be provided to the Mississippi Legislature on or before December 31, 2008.

* * *

SECTION 39. Section 71-5-511, Mississippi Code of 1972, is reenacted as follows:

71-5-511. An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

(a) (i) He has registered for work at and thereafter has continued to report to the department in accordance with such regulations as the department may prescribe; except that the department may, by regulation, waive or alter either or both of the requirements of this subparagraph as to such types of cases or situations with respect to which it finds that compliance with such requirements would be oppressive or would be inconsistent with the purposes of this chapter; and

(ii) He participates in reemployment services, such as job search assistance services, if, in accordance with a profiling system established by the department, it has been determined that he is likely to exhaust regular benefits and needs reemployment services, unless the department determines that:

1. The individual has completed such services; or

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2. There is justifiable cause for the claimant's failure to participate in such services.

(b) He has made a claim for benefits in accordance with the provisions of Section 71-5-515 and in accordance with such regulations as the department may prescribe thereunder.

(c) He is able to work and is available for work.

(d) He has been unemployed for a waiting period of one (1) week. No week shall be counted as a week of unemployment for the purposes of this subsection:

(i) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits;

(ii) If benefits have been paid with respect thereto;

(iii) Unless the individual was eligible for benefits with respect thereto, as provided in Sections 71-5-511 and 71-5-513, except for the requirements of this subsection.

(e) For weeks beginning on or before July 1, 1982, he has, during his base period, been paid wages for insured work equal to not less than thirty-six (36) times his weekly benefit amount; he has been paid wages for insured work during at least two (2) quarters of his base period; and he has, during that quarter of his base period in which his total wages were highest, been paid wages for insured work equal to not less than sixteen (16) times the minimum weekly benefit amount. For benefit years beginning after July 1, 1982, he has, during his base period, been paid wages for insured work equal to not less than forty (40) times his weekly benefit amount; he has been paid wages for insured work during at least two (2) quarters of his base period, and he has, during that quarter of his base period in which his total wages were highest, been paid wages for insured work equal to not less than twenty-six (26) times the minimum weekly benefit amount. For purposes of this subsection, wages shall be counted

as "wages for insured work" for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employing unit by which such wages were paid has satisfied the conditions of Section 71-5-11, subsection I, or Section 71-5-361, subsection (3), with respect to becoming an employer.

(f) No individual may receive benefits in a benefit year unless, subsequent to the beginning of the next preceding benefit year during which he received benefits, he performed service in "employment" as defined in Section 71-5-11, subsection J, and earned remuneration for such service in an amount equal to not less than eight (8) times his weekly benefit amount applicable to his next preceding benefit year.

(g) Benefits based on service in employment defined in Section 71-5-11, subsection J(3) and J(4), and Section 71-5-361, subsection (4) shall be payable in the same amount, on the same terms, and subject to the same conditions as compensation payable on the basis of other service subject to this chapter, except that benefits based on service in an instructional, research or principal administrative capacity in an institution of higher learning (as defined in Section 71-5-11, subsection O) with respect to service performed prior to January 1, 1978, shall not be paid to an individual for any week of unemployment which begins during the period between two (2) successive academic years, or during a similar period between two (2) regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher learning for both such academic years or both such terms.

(h) Benefits based on service in employment defined in Section 71-5-11, subsection J(3) and J(4), shall be payable in the same amount, on the same terms and subject to the same conditions

as compensation payable on the basis of other service subject to this chapter, except that:

(i) With respect to service performed in an instructional, research or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two (2) successive academic years, or during a similar period between two (2) regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual, if such individual performs such services in the first of such academic years or terms and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms, and provided that subsection (g) of this section shall apply with respect to such services prior to January 1, 1978. In no event shall benefits be paid unless the individual employee was terminated by the employer.

(ii) With respect to services performed in any other capacity for an educational institution, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two (2) successive academic years or terms, if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms, except that if compensation is denied to any individual under this subparagraph and such individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of this clause.

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In no event shall benefits be paid unless the individual employee was terminated by the employer.

(iii) With respect to services described in subsection (h)(i) and (ii), benefits shall not be payable on the basis of services in any such capacities to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the first of such academic years or terms, or in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(iv) With respect to any services described in subsection (h)(i) and (ii), benefits shall not be payable on the basis of services in any such capacities as specified in subsection (h)(i), (ii) and (iii) to any individual who performed such services in an educational institution while in the employ of an educational service agency. For purposes of this subsection, the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

(v) With respect to services to which Sections 71-5-357 and 71-5-359 apply, if such services are provided to or on behalf of an educational institution, benefits shall not be payable under the same circumstances and subject to the same terms and conditions as described in subsection (h)(i), (ii), (iii) and (iv).

(i) Subsequent to December 31, 1977, benefits shall not be paid to any individual on the basis of any services substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two (2)

successive sports seasons (or similar periods) if such individual performs such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(j) (i) Subsequent to December 31, 1977, benefits shall not be payable on the basis of services performed by an alien, unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of Section 203(a) (7) or Section 212(d) (5) of the Immigration and Nationality Act).

(ii) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(iii) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made, except upon a preponderance of the evidence.

(k) An individual shall be deemed prima facie unavailable for work, and therefore ineligible to receive benefits, during any period which, with respect to his employment status, is found by the department to be a holiday or vacation period.

(l) A temporary employee of a temporary help firm is considered to have left the employee's last work voluntarily without good cause connected with the work if the temporary employee does not contact the temporary help firm for reassignment

on completion of an assignment. A temporary employee is not considered to have left work voluntarily without good cause connected with the work under this paragraph unless the temporary employee has been advised in writing:

(i) That the temporary employee is obligated to contact the temporary help firm on completion of assignments; and

(ii) That unemployment benefits may be denied if the temporary employee fails to do so.

SECTION 40. Section 71-5-513, Mississippi Code of 1972, is reenacted and amended as follows:

71-5-513. A. An individual shall be disqualified for benefits:

(1) (a) For the week, or fraction thereof, which immediately follows the day on which he left work voluntarily without good cause, if so found by the department, and for each week thereafter until he has earned remuneration for personal services performed for an employer, as in this chapter defined, equal to not less than eight (8) times his weekly benefit amount, as determined in each case; however, marital, filial and domestic circumstances and obligations shall not be deemed good cause within the meaning of this subsection. Pregnancy shall not be deemed to be a marital, filial or domestic circumstance for the purpose of this subsection.

(b) For the week, or fraction thereof, which immediately follows the day on which he was discharged for misconduct connected with his work, if so found by the department, and for each week thereafter until he has earned remuneration for personal services performed for an employer, as in this chapter defined, equal to not less than eight (8) times his weekly benefit amount, as determined in each case.

(c) The burden of proof of good cause for leaving work shall be on the claimant, and the burden of proof of misconduct shall be on the employer.

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(2) For the week, or fraction thereof, with respect to which he willfully makes a false statement, a false representation of fact, or willfully fails to disclose a material fact for the purpose of obtaining or increasing benefits under the provisions of this law, if so found by the department, and such individual's maximum benefit allowance shall be reduced by the amount of benefits so paid to him during any such week of disqualification; and additional disqualification shall be imposed for a period not exceeding fifty-two (52) weeks, the length of such period of disqualification and the time when such period begins to be determined by the department, in its discretion, according to the circumstances in each case.

(3) If the department finds that he has failed, without good cause, either to apply for available suitable work when so directed by the employment office or the department, to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the department, such disqualification shall continue for the week in which such failure occurred and for not more than the twelve (12) weeks which immediately follow such week, as determined by the department according to the circumstances in each case.

(a) In determining whether or not any work is suitable for an individual, the department shall consider among other factors the degree of risk involved to his health, safety and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence; however, offered employment paying the minimum wage or higher, if such minimum or higher wage is that prevailing for his customary occupation or similar work in the locality, shall be deemed to be suitable employment after benefits have been paid to the individual for a period of eight (8) weeks.

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(b) Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(i) If the position offered is vacant due directly to a strike, lockout or other labor dispute;

(ii) If the wages, hours or other conditions of the work offered are substantially unfavorable or unreasonable to the individual's work. The department shall have the sole discretion to determine whether or not there has been an unfavorable or unreasonable condition placed on the individual's work. Moreover, the department may consider, but shall not be limited to a consideration of, whether or not the unfavorable condition was applied by the employer to all workers in the same or similar class or merely to this individual;

(iii) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

(iv) If unsatisfactory or hazardous working conditions exist that could result in a danger to the physical or mental well-being of the worker. In any such determination the department shall consider, but shall not be limited to a consideration of, the following: the safety measures used or the lack thereof and the condition of equipment or lack of proper equipment. No work shall be considered hazardous if the working conditions surrounding a worker's employment are the same or substantially the same as the working conditions generally prevailing among workers performing the same or similar work for other employers engaged in the same or similar type of activity.

(c) Pursuant to Section 303(1) of the Social Security Act (42 USCS 503), the department may conduct drug tests of applicants for unemployment compensation for the unlawful use

of controlled substances as a condition for receiving such compensation, if such applicant:

(i) Was terminated from employment with the claimant's most recent employer, as defined by Mississippi law, because of the unlawful use of controlled substances; or

(ii) Is an individual for whom suitable work, as defined by Mississippi law, is only available in an occupation (as determined under regulations issued by the U.S. Secretary of Labor) that requires drug testing.

The department may deny unemployment compensation to any applicant based on the result of a drug test conducted by the department in accordance with this subsection. A positive drug test result shall be deemed by the department to be a failure to accept suitable work, and shall subject the applicant to the disqualification provisions set forth in Section 71-5-513A(3). During the disqualification period imposed by the department under this subsection, the individual may provide information to end the disqualification period early by submitting acceptable proof to the department of a negative test result from a testing facility approved by the department.

(iii) Pursuant to the provisions set forth in Section 71-5-513 A (3)(c) of this section, the department shall have the authority to institute a random drug testing program for all individuals who meet the requirements set forth in this section. Moreover, the department shall have the authority to create the necessary regulations, policies rules, guidelines and procedures to implement such a program.

Any term or provision set forth in Section 71-5-513A(3)(c) that otherwise conflicts with federal or state law shall be disregarded but shall not, in any way, affect the remaining provisions.

(4) For any week with respect to which the department finds that his total unemployment is due to a stoppage of work

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which exists because of a labor dispute at a factory, establishment or other premises at which he is or was last employed; however, this subsection shall not apply if it is shown to the satisfaction of the department:

(a) He is unemployed due to a stoppage of work occasioned by an unjustified lockout, if such lockout was not occasioned or brought about by such individual acting alone or with other workers in concert; or

(b) He is not participating in or directly interested in the labor dispute which caused the stoppage of work; and

(c) He does not belong to a grade or class of workers of which, immediately before the commencement of stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or directly interested in the dispute.

If in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment or other premises.

(5) For any week with respect to which he has received or is seeking unemployment compensation under an unemployment compensation law of another state or of the United States. However, if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment compensation benefits, this disqualification shall not apply. Nothing in this subsection contained shall be construed to include within its terms any law of the United States providing unemployment compensation or allowances for honorably discharged members of the Armed Forces.

(6) For any week with respect to which he is receiving or has received remuneration in the form of payments under any

governmental or private retirement or pension plan, system or policy which a base-period employer is maintaining or contributing to or has maintained or contributed to on behalf of the individual; however, if the amount payable with respect to any week is less than the benefits which would otherwise be due under Section 71-5-501, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration. However, on or after the first Sunday immediately following July 1, 2001, no social security payments, to which the employee has made contributions, shall be deducted from unemployment benefits paid for any period of unemployment beginning on or after the first Sunday following July 1, 2001. This one hundred percent (100%) exclusion shall not apply to any other governmental or private retirement or pension plan, system or policy. If benefits payable under this section, after being reduced by the amount of such remuneration, are not a multiple of One Dollar (\$1.00), they shall be adjusted to the next lower multiple of One Dollar (\$1.00).

(7) For any week with respect to which he is receiving or has received remuneration in the form of a back pay award, or other compensation allocable to any week, whether by settlement or otherwise. Any benefits previously paid for weeks of unemployment with respect to which back pay awards, or other such compensation, are made shall constitute an overpayment and such amounts shall be deducted from the award by the employer prior to payment to the employee, and shall be transmitted promptly to the department by the employer for application against the overpayment and credit to the claimant's maximum benefit amount and prompt deposit into the fund; however, the removal of any charges made against the employer as a result of such previously paid benefits shall be applied to the calendar year and the calendar quarter in which the overpayment is transmitted to the department, and no attempt shall be made to relate such a credit to the period to which the award

applies. Any amount of overpayment so deducted by the employer and not transmitted to the department shall be subject to the same procedures for collection as is provided for contributions by Sections 71-5-363 through 71-5-381. Any amount of overpayment not deducted by the employer shall be established as an overpayment against the claimant and collected as provided above. It is the purpose of this paragraph to assure equity in the situations to which it applies, and it shall be construed accordingly.

B. Notwithstanding any other provision in this chapter, no otherwise eligible individual shall be denied benefits for any week because he is in training with the approval of the department; nor shall such individual be denied benefits with respect to any week in which he is in training with the approval of the department by reason of the application of provisions in Section 71-5-511, subsection (c), relating to availability for work, or the provisions of subsection A(3) of this section, relating to failure to apply for, or a refusal to accept, suitable work.

C. Notwithstanding any other provisions of this chapter, no otherwise eligible individual shall be denied benefits for any week because he or she is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor shall such individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any such week in training of provisions in this law (or any applicable federal unemployment compensation law), relating to availability for work, active search for work or refusal to accept work.

For purposes of this section, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974), and wages for such work at not less than eighty percent

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(80%) of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974.

D. Notwithstanding any other provisions of this chapter, no otherwise eligible individual shall be denied benefits for any week in which they are engaged in the Self-Employment Assistance Program established in Section 71-5-545 by reason of the application of Section 71-5-511(c), relating to availability for work, or the provisions of subsection A(3) of this section, relating to failure to apply for, or a refusal to accept, suitable work.

E. Any individual who is receiving benefits may participate in an approved training program under the Mississippi Employment Security Law to gain skills that may lead to employment while continuing to receive benefits. Authorization for participation of a recipient of unemployment benefits in such a program must be granted by the department and continuation of participation must be certified weekly by the participant recipient. While participating in such program approved by the department, availability and work search requirements will be waived. No individual will be allowed to participate in this program for more than twelve (12) weeks in any benefit year. Such participation shall not be considered employment for any purposes and shall not accrue benefits or wage credits. Participation in this training program shall meet the definition set forth in the U.S. Fair Labor Standards Act.

SECTION 41. Section 71-5-517, Mississippi Code of 1972, is reenacted as follows:

71-5-517. Upon the taking of a claim by the department, an initial determination thereon shall be made promptly and shall include a determination with respect to whether or not benefits are payable, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration of benefits. In any case in which the payment or denial

of benefits will be determined by the provisions of subsection A(4) of Section 71-5-513, the examiner shall promptly transmit all the evidence with respect to that subsection to the department, which, on the basis of evidence so submitted and such additional evidence as it may require, shall make an initial determination with respect thereto. An initial determination may for good cause be reconsidered. The claimant, his most recent employing unit and all employers whose experience-rating record would be charged with benefits pursuant to such determination shall be promptly notified of such initial determination or any amended initial determination and the reason therefor. Benefits shall be denied or, if the claimant is otherwise eligible, promptly paid in accordance with the initial determination or amended initial determination. The jurisdiction of the department over benefit claims which have not been appealed shall be continuous. The claimant or any party to the initial determination or amended initial determination may file an appeal from such initial determination or amended initial determination within fourteen (14) days after notification thereof, or after the date such notification was sent to his last known address.

Notwithstanding any other provision of this section, benefits shall be paid promptly in accordance with a determination or redetermination, or the decision of an appeal tribunal, the Board of Review or a reviewing court upon the issuance of such determination, redetermination or decision in favor of the claimant (regardless of the pendency of the period to apply for reconsideration, file an appeal, or petition for judicial review, as the case may be, or the pendency of any such application, filing or petition), unless and until such determination, redetermination or decision has been modified or reversed by a subsequent redetermination or decision, in which event benefits shall be paid or denied in accordance with such modifying or reversing redetermination or decision. Any benefits finally

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determined to have been erroneously paid may be set up as an overpayment to the claimant and must be liquidated before any future benefits can be paid to the claimant. If, subsequent to such initial determination or amended initial determination, benefits with respect to any week for which a claim has been filed are denied for reasons other than matters included in the initial determination or amended initial determination, the claimant shall be promptly notified of the denial and the reason therefor and may appeal therefrom in accordance with the procedure herein described for appeals from initial determination or amended initial determination.

SECTION 42. Section 71-5-519, Mississippi Code of 1972, is reenacted as follows:

71-5-519. Unless such appeal is withdrawn, an appeal tribunal appointed by the executive director, after affording the parties reasonable opportunity for fair hearing, shall affirm, modify or reverse the findings of fact and initial determination or amended initial determination. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the executive director unless, within fourteen (14) days after the date of notification of such decision, further appeal is initiated pursuant to Section 71-5-523.

SECTION 43. Section 71-5-523, Mississippi Code of 1972, is reenacted as follows:

71-5-523. The Board of Review may on its own motion affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The Board of Review shall permit such further appeal by any of the parties to a decision of an appeal tribunal which is not unanimous, and by the examiner whose decision has been overruled

or modified by an appeal tribunal. The Board of Review may remove to itself or transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal. Any proceedings so removed to the Board of Review shall be heard by a quorum thereof in accordance with the requirements of Section 71-5-519 and within fifteen (15) days after notice of appeal has been received by the executive director. No notice of appeal shall be deemed to be received by the executive director, within the meaning of this section, until all prior appeals pending before the Board of Review have been heard. The Board of Review shall, within four (4) days after its decision, so notify the parties to any proceeding of its findings and decision.

SECTION 44. Section 71-5-525, Mississippi Code of 1972, is reenacted as follows:

71-5-525. The manner in which appealed claims shall be presented and the conduct of hearings and appeals shall be in accordance with regulations prescribed by the Board of Review for determining the rights of the parties, whether or not such regulations conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with an appealed claim. The department's entire file relative to the appealed claim shall be a part of such record and shall be considered as evidence. All testimony at any hearing upon an appealed claim shall be recorded, but need not be transcribed unless the claim is further appealed.

SECTION 45. Section 71-5-529, Mississippi Code of 1972, is reenacted as follows:

71-5-529. Any decision of the Board of Review, in the absence of an appeal therefrom as herein provided, shall become final ten (10) days after the date of notification; and judicial review thereof shall be permitted only after any party claiming to be aggrieved thereby has exhausted his administrative remedies as

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provided by this chapter. The department shall be deemed to be a party to any judicial action involving any such decision, and may be represented in any such judicial action by any qualified attorney employed by the department and designated by it for that purpose or, at the department's request, by the Attorney General.

SECTION 46. Section 71-5-531, Mississippi Code of 1972, is reenacted as follows:

71-5-531. Within ten (10) days after the decision of the Board of Review has become final, any party aggrieved thereby may secure judicial review thereof by commencing an action, in the circuit court of the county in which the plaintiff resides, against the department for the review of such decision, in which action any other party to the proceeding before the Board of Review shall be made a defendant. In cases wherein the plaintiff is not a resident of the State of Mississippi, such action may be filed in the circuit court of the county in which the employer resides, the county in which the cause of action arose, or in the county of employment. In such action, a petition which need not be verified, but which shall state the grounds upon which a review is sought, shall be served upon the department or upon such person as the department may designate, and such service shall be deemed completed service on all parties; but there shall be left with the party so served as many copies of the petition as there are defendants, and the department shall forthwith mail one (1) such copy to each such defendant. With its answer, the department shall certify and file with said court all documents and papers and a transcript of all testimony taken in the matter, together with the Board of Review's findings of fact and decision therein. The department may also, in its discretion, certify to such court questions of law involved in any decision. In any judicial proceedings under this section, the findings of the Board of Review as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive, and the jurisdiction of the

court shall be confined to questions of law. Such actions, and the questions so certified, shall be heard in a summary manner and shall be given precedence over all other civil cases. An appeal may be taken from the decision of the circuit court of the county in which the plaintiff resides to the Supreme Court of Mississippi, in the same manner, but not inconsistent with the provisions of this chapter, as is provided in civil cases. It shall not be necessary, in any judicial proceeding under this section, to enter exceptions to the rulings of the Board of Review, and no bond shall be required for entering such appeal. Upon the final determination of such judicial proceeding, the Board of Review shall enter an order in accordance with such determination. A petition for judicial review shall not act as a supersedeas or stay unless the Board of Review shall so order.

SECTION 47. Section 71-5-541, Mississippi Code of 1972, is reenacted as follows:

71-5-541. A. (1) In the administration of this chapter, the department shall cooperate with the Department of Labor to the fullest extent consistent with the provisions of this chapter and shall take such action, through the adoption of appropriate rules, regulations, administrative methods and standards, as may be necessary to secure to this state and its citizens all advantages available under the provisions of the Social Security Act that relate to unemployment compensation, the Federal Unemployment Tax Act, the Wagner-Peyser Act and the Federal-State Extended Unemployment Compensation Act of 1970, all as amended.

(2) In the administration of the provisions of this section, which are enacted to conform with the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, the department shall take such actions as may be necessary:

(a) To ensure that the provisions are so interpreted and applied as to meet the requirements of such

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federal act as interpreted by the United States Department of Labor; and

(b) To secure to this state the full reimbursement of the federal share of extended benefits paid under this chapter that are reimbursable under the federal act; and also

(c) To limit the amount of extended benefits paid as may be necessary so that the reimbursement of the federal share of extended benefits paid shall remain at one-half (1/2) of the total extended benefits paid.

B. As used in this section, unless the context clearly requires otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after a week for which there is a state "on" indicator; and

(b) Ends with either of the following weeks, whichever occurs later:

(i) The third week after the first week for which there is a state "off" indicator; or

(ii) The thirteenth consecutive week of such period.

No extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state.

(2) For weeks beginning after September 25, 1982, there is a "state 'on' indicator" for a week if the rate of insured unemployment under this chapter for the period consisting of such week and the immediately preceding twelve (12) weeks:

(a) Equalled or exceeded one hundred twenty percent (120%) of the average of such rates for the corresponding period of thirteen (13) weeks ending in each of the preceding two (2) calendar years; and

(b) Equalled or exceeded five percent (5%).

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The determination of whether there has been a state "on" or "off" indicator beginning or ending any extended benefit period shall be made under this subsection as if (i) paragraph (2) did not contain subparagraph (a) thereof, and (ii) the figure "5" contained in subparagraph (b) thereof were "6"; except that, notwithstanding any such provision of this subsection, any week for which there would otherwise be a "state 'on' indicator" shall continue to be such week and shall not be determined to be a week for which there is a "state 'off' indicator."

(3) There is a "state 'off' indicator" for a week if, for the period consisting of such week and the immediately preceding twelve (12) weeks, either subparagraph (a) or (b) of paragraph (2) was not satisfied.

(4) "Rate of insured unemployment," for purposes of paragraphs (2) and (3) of this subsection, means the percentage derived by dividing:

(a) The average number of continued weeks claimed for regular state compensation in this state for weeks of unemployment with respect to the most recent period of thirteen (13) consecutive weeks, as determined by the department on the basis of its reports to the United States Secretary of Labor; by

(b) The average monthly employment covered under this chapter for the first four (4) of the most recent six (6) completed calendar quarters ending before the end of such period of thirteen (13) weeks.

(5) "Regular benefits" means benefits payable to an individual under this chapter or under any other state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 USCS Section 8501-8525) other than extended benefits.

(6) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 USCS Section 8501-8525) payable to an

individual under the provisions of this section for weeks of unemployment in his eligibility period.

(7) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(8) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were available to him under this chapter or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 USCS Section 8501-8525) in his current benefit year that includes such week.

For the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(b) Has no, or insufficient, wages on the basis of which he could establish a new benefit year that would include such week, his benefit year having expired prior to such week; and

(c) (i) Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, and such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and

(ii) Has not received and is not seeking unemployment benefits under the Unemployment Compensation Law of the Virgin Islands or of Canada; but if he is seeking such

benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is considered an exhaustee; however, the reference in this subsection to the Virgin Islands shall be inapplicable effective on the day on which the United States Secretary of Labor approves under Section 3304(a) of the Internal Revenue Code of 1954, an unemployment compensation law submitted to the Secretary by the Virgin Islands for approval.

(9) "State law" means the unemployment insurance law of any state, approved by the United States Secretary of Labor under Section 3304 of the Internal Revenue Code of 1954 (26 USCS Section 3304).

C. Except when the result would be inconsistent with the other provisions of this section, as provided in the regulations of the department, the provisions of this chapter which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

D. An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the department finds that with respect to such week:

(1) He is an "exhaustee" as defined in subsection B(8) of this section.

(2) He has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

(3) For a week beginning after September 25, 1982, he has, during his base period, been paid wages for insured work equal to not less than forty (40) times his weekly benefit amount; he has been paid wages for insured work during at least two (2) quarters of his base period, and he has, during that quarter of his base period in which his total wages were highest, been paid

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wages for insured work equal to not less than twenty-six (26) times the minimum weekly benefit amount.

E. The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year; however, benefits paid to individuals during eligibility periods beginning before October 1, 1983, shall be computed to the next higher multiple of One Dollar (\$1.00), if not a multiple of One Dollar (\$1.00); and benefits paid to individuals during eligibility periods beginning on or after October 1, 1983, shall be computed to the next lower multiple of One Dollar (\$1.00), if not a multiple of One Dollar (\$1.00). In no event shall the weekly extended benefit amount payable to an individual be more than two (2) times the amount of the reimbursement of the federal share of extended benefits paid.

F. (1) The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be the least of the following amounts:

(a) Fifty percent (50%) of the total amount of regular benefits which were payable to him under this chapter in his applicable benefit year; however, benefits paid to individuals during eligibility periods beginning before October 1, 1983, shall be computed to the next higher multiple of One Dollar (\$1.00), if not a multiple of One Dollar (\$1.00), and benefits paid to individuals during eligibility periods beginning on or after October 1, 1983, shall be computed to the next lower multiple of One Dollar (\$1.00), if not a multiple of One Dollar (\$1.00); or

(b) Thirteen (13) times his weekly benefit amount which was payable to him under this chapter for a week of total unemployment in the applicable benefit year.

(2) The total extended benefits otherwise payable to an individual who is filing an interstate claim under the interstate

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benefit payment plan shall not exceed two (2) weeks whenever an extended benefit period is not in effect for such week in the state where the claim is filed.

(3) In no event shall the total extended benefit amount payable to any eligible individual with respect to his applicable benefit year be more than two (2) times the amount of the reimbursement of the federal share of extended benefits paid.

G. (1) Whenever an extended benefit period is to become effective in this state as a result of a state "on" indicator, or an extended benefit period is to be terminated in this state as a result of state "off" indicators, the department shall make an appropriate public announcement.

(2) Computations required by the provisions of subsection B(4) shall be made by the department, in accordance with regulations prescribed by the United States Secretary of Labor.

H. Extended benefits paid under the provisions of this section which are not reimbursable from federal funds shall be charged to the experience-rating record of base period employers.

I. (1) Notwithstanding the provisions of subsections C and D of this section, an individual shall be disqualified for receipt of extended benefits if the department finds that during any week of his eligibility period:

(a) He has failed either to apply for or to accept an offer of suitable work (as defined under paragraph (3)) to which he was referred by the department; or

(b) He has failed to furnish tangible evidence that he has actively engaged in a systematic and sustained effort to find work, unless such individual is not actively engaged in seeking work because such individual is:

(i) Before any court of the United States or any state pursuant to a lawfully issued summons to appear for jury duty;

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(ii) Hospitalized for treatment of an emergency or a life-threatening condition.

The entitlement to benefits of any individual who is determined not to be actively engaged in seeking work in any week for the foregoing reasons shall be decided pursuant to the able and available requirements in Section 71-5-511 without regard to the disqualification provisions otherwise applicable under Section 71-5-541. The conditions prescribed in clauses (i) and (ii) of this subparagraph (b) must be applied in the same manner to individuals filing claims for regular benefits.

(2) Such disqualification shall begin with the week in which such failure occurred and shall continue until he has been employed in each of eight (8) subsequent weeks (whether or not consecutive) and has earned remuneration for personal services performed for an employer, as in this chapter defined, equal to not less than eight (8) times his weekly extended benefit amount.

(3) For the purpose of subparagraph (a) of paragraph (1) the term "suitable work" means any work which is within the individual's capabilities to perform, if:

(a) The gross average weekly remuneration payable for the work exceeds the sum of the individual's weekly extended benefit amount plus the amount, if any, of supplemental unemployment benefits (as defined in Section 501(c)(17)(D) of the Internal Revenue Code of 1954) payable to such individual for such week;

(b) The wages payable for the work equal the higher of the minimum wages provided by Section 6(a)(1) of the Fair Labor Standards Act of 1938 (without regard to any exemption), or the state or local minimum wage; and

(c) The position was offered to the individual in writing or was listed with the state employment service; and

(d) Such work otherwise meets the definition of "suitable work" for regular benefits contained in Section

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71-5-513A(4) to the extent that such criteria of suitability are not inconsistent with the provisions of this paragraph (3); and

(e) The individual cannot furnish satisfactory evidence to the department that his prospects for obtaining work in his customary occupation within a reasonably short period are good. If such evidence is deemed satisfactory for this purpose, the determination of whether any work is suitable with respect to such individual shall be made in accordance with the definition of suitable work contained in Section 71-5-513A(4) without regard to the definition specified by this paragraph (3).

(4) Notwithstanding any provisions of subsection I to the contrary, no work shall be deemed to be suitable work for an individual which does not accord with the labor standard provisions set forth herein under Section 71-5-513A(4).

(5) The employment service shall refer any claimant entitled to extended benefits under this section to any suitable work which meets the criteria prescribed in paragraph (3).

(6) An individual shall be disqualified for extended benefits for the week, or fraction thereof, which immediately follows the day on which he left work voluntarily without good cause (as defined in Section 71-5-513A(1)), was discharged for misconduct connected with his work, or refused suitable work (except as provided in subsection I of this section), and for each week thereafter until he has earned remuneration for personal services performed for an employer, as in this chapter defined, equal to not less than eight (8) times his weekly benefit amount, as determined in each case.

(7) The provisions of paragraphs I(1) through (6) of this section shall not apply to claims for weeks of unemployment beginning after March 6, 1993, and before January 1, 1995, and during that period the provisions of this chapter applicable to claims for regular compensation shall apply.

J. Notwithstanding any other provisions of this chapter, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that such individual would, but for this section, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced (but not below zero) by the product of the number of weeks for which the individual received any amounts as trade readjustment allowances within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

SECTION 48. Section 73-30-25, Mississippi Code of 1972, is reenacted as follows:

73-30-25. It is not the intent of this chapter to regulate against members of other duly regulated professions in this state who do counseling in the normal course of the practice of their own profession. This chapter does not apply to:

(a) Any person registered, certified or licensed by the state to practice any other occupation or profession while rendering counseling services in the performance of the occupation or profession for which he is registered, certified or licensed;

(b) Certified school counselors when they are practicing counseling within the scope of their employment;

(c) Certified vocational counselors when they are practicing vocational counseling within the scope of their employment;

(d) Counselors in postsecondary institutions when they are practicing within the scope of their employment;

(e) Student interns or trainees in counseling pursuing a course of study in counseling in a regionally or nationally accredited institution of higher learning or training institution if activities and services constitute a part of the supervised course of study, provided that such persons be designated a counselor intern;

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(f) Professionals employed by regionally or nationally accredited postsecondary institutions as counselor educators when they are practicing counseling within the scope of their employment;

(g) [Deleted]

(h) Duly ordained ministers or clergy while functioning in their ministerial capacity and duly accredited Christian Science practitioners;

(i) Professional employees of regional mental health centers, state mental hospitals, vocational rehabilitation institutions, youth court counselors and employees of the Mississippi Department of Employment Security or other governmental agency so long as they practice within the scope of their employment;

(j) Professional employees of alcohol or drug abuse centers or treatment facilities, whether privately or publicly funded, so long as they practice within the scope of their employment;

(k) Private employment counselors;

(l) Any nonresident temporarily employed in this state to render counseling services for not more than thirty (30) days in any year, if in the opinion of the board the person would qualify for a license under this chapter and if the person holds any license required for counselors in his home state or country; and

(m) Any social workers holding a master's degree in social work from a school accredited by the Council on Social Work Education and who do counseling in the normal course of the practice of their own profession.

SECTION 49. Section 43-1-30, Mississippi Code of 1972, is reenacted as follows:

43-1-30. (1) There is created the Mississippi TANF Implementation Council. It shall serve as the independent, single

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state advisory and review council for assuring Mississippi's compliance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), as amended. The council shall further cooperation between government, education and the private sector in meeting the needs of the TANF program. It shall also further cooperation between the business and labor communities, education and training delivery systems, and between businesses in developing highly skilled workers for high skill, high paying jobs in Mississippi.

(2) The council shall be comprised of thirteen (13) public members and certain ex officio nonvoting members. All public members of the council shall be appointed as follows by the Governor:

Ten (10) members shall be representatives from business and industry, provided that no fewer than five (5) members are from the manufacturing and industry sector who are also serving as members of private industry councils established within the state, and one (1) member may be a representative of a nonprofit organization. Three (3) members shall be recipients or former recipients of TANF assistance appointed from the state at large.

The ex officio nonvoting members of the council shall consist of the following, or their designees:

(a) The Executive Director of the Mississippi Department of Human Services;

(b) The Executive Director of the Mississippi Department of Employment Security;

(c) The Executive Director of the Mississippi Development Authority;

(d) The State Superintendent of Public Education;

(e) The Director of the State Board for Community and Junior Colleges;

(f) The Executive Director of the Division of Medicaid;

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(g) The Commissioner of the Mississippi Department of Corrections; and

(h) The Director of the Mississippi Cooperative Extension Service.

(3) The Governor shall designate one (1) public member to serve as chairman of the council for a term of two (2) years and until a successor as chairman is appointed and qualified.

(4) The term of office for public members appointed by the Governor shall be four (4) years and until their successors are appointed and qualified.

(5) Any vacancy shall be filled for the unexpired term by the Governor in the manner of the original appointment, unless otherwise specified in this section.

(6) Public members shall receive a per diem as authorized in Section 25-3-69, for each day actually engaged in meetings of the council, and shall be reimbursed for mileage and necessary expenses incurred in the performance of their duties, as provided in Section 25-3-41.

(7) The council shall:

(a) Annually review and recommend policies and programs to the Governor and the Legislature that will implement and meet federal requirements under the TANF program.

(b) Annually review and recommend policies and programs to the Governor and to the Legislature that will enable citizens of Mississippi to acquire the skills necessary to maximize their economic self-sufficiency.

(c) Review the provision of services and the use of funds and resources under the TANF program, and under all state-financed job training and job retraining programs, and advise the Governor and the Legislature on methods of coordinating such provision of services and use of funds and resources consistent with the laws and regulations governing such programs.

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(d) Assist in developing outcome and output measures to measure the success of the Department of Human Services' efforts in implementing the TANF program. These recommendations shall be made to the Department of Human Services at such times as required in the event that the department implements new programs to comply with the TANF program requirements.

(e) Collaborate with the Mississippi Development Authority, local planning and development districts and local industrial development boards, and shall develop an economic development plan for the creation of manufacturing jobs in each of the counties in the state that has an unemployment rate of ten percent (10%) or more, which shall include, but not be limited to, procedures for business development, entrepreneurship and financial and technical assistance.

(8) A majority of the members of the council shall constitute a quorum for the conduct of meetings and all actions of the council shall be by a majority of the members present at a meeting.

(9) The council shall adopt rules and regulations as it deems necessary to carry out its responsibilities under this section and under applicable federal human resources programs.

(10) The council may make and enter into contracts and interagency agreements as may be necessary and proper.

(11) The council is authorized to commit and expend monies appropriated to it by the Legislature for its authorized purposes. The council is authorized to solicit, accept and expend public and private gifts, grants, awards and contributions related to furtherance of its statutory duties.

(12) Funds for the operations of the council shall be derived from federal funds for the operation of state councils pursuant to applicable federal human resources programs and from such other monies appropriated to it by the Legislature.

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SECTION 50. Section 43-17-5, Mississippi Code of 1972, is amended as follows:

43-17-5. (1) The amount of Temporary Assistance for Needy Families (TANF) benefits which may be granted for any dependent child and a needy caretaker relative shall be determined by the county department with due regard to the resources and necessary expenditures of the family and the conditions existing in each case, and in accordance with the rules and regulations made by the Department of Human Services which shall not be less than the Standard of Need in effect for 1988, and shall be sufficient when added to all other income (except that any income specified in the federal Social Security Act, as amended, may be disregarded) and support available to the child to provide such child with a reasonable subsistence compatible with decency and health. The first family member in the dependent child's budget may receive an amount not to exceed One Hundred Ten Dollars (\$110.00) per month; the second family member in the dependent child's budget may receive an amount not to exceed Thirty-six Dollars (\$36.00) per month; and each additional family member in the dependent child's budget an amount not to exceed Twenty-four Dollars (\$24.00) per month. The maximum for any individual family member in the dependent child's budget may be exceeded for foster or medical care or in cases of children with an intellectual disability or a physical disability. TANF benefits granted shall be specifically limited only (a) to children existing or conceived at the time the caretaker relative initially applies and qualifies for such assistance, unless this limitation is specifically waived by the department, or (b) to a child born following a twelve-consecutive-month period of discontinued benefits by the caretaker relative.

(2) TANF benefits in Mississippi shall be provided to the recipient family by an online electronic benefits transfer system.

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(3) The Department of Human Services shall deny TANF benefits to the following categories of individuals, except for individuals and families specifically exempt or excluded for good cause as allowed by federal statute or regulation:

(a) Families without a minor child residing with the custodial parent or other adult caretaker relative of the child;

(b) Families which include an adult who has received TANF assistance for sixty (60) months after the commencement of the Mississippi TANF program, whether or not such period of time is consecutive;

(c) Families not assigning to the state any rights a family member may have, on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance, to support from any other person, as required by law;

(d) Families who fail to cooperate in establishing paternity or obtaining child support, as required by law;

(e) Any individual who has not attained eighteen (18) years of age, is not married to the head of household, has a minor child at least twelve (12) weeks of age in his or her care, and has not successfully completed a high school education or its equivalent, if such individual does not participate in educational activities directed toward the attainment of a high school diploma or its equivalent, or an alternative educational or training program approved by the department;

(f) Any individual who has not attained eighteen (18) years of age, is not married, has a minor child in his or her care, and does not reside in a place or residence maintained by a parent, legal guardian or other adult relative or the individual as such parent's, guardian's or adult relative's own home;

(g) Any minor child who has been, or is expected by a parent or other caretaker relative of the child to be, absent from the home for a period of more than thirty (30) days;

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(h) Any individual who is a parent or other caretaker relative of a minor child who fails to notify the department of the absence of the minor child from the home for the thirty-day period specified in paragraph (g), by the end of the five-day period that begins with the date that it becomes clear to the individual that the minor child will be absent for the thirty-day period;

(i) Any individual who fails to comply with the provisions of the Employability Development Plan signed by the individual which prescribe those activities designed to help the individual become and remain employed, or to participate satisfactorily in the assigned work activity, as authorized under subsection (6) (c) and (d), or who does not engage in applicant job search activities within the thirty-day period for TANF application approval after receiving the advice and consultation of eligibility workers and/or caseworkers of the department providing a detailed description of available job search venues in the individual's county of residence or the surrounding counties;

(j) A parent or caretaker relative who has not engaged in an allowable work activity once the department determines the parent or caretaker relative is ready to engage in work, or once the parent or caretaker relative has received TANF assistance under the program for twenty-four (24) months, whether or not consecutive, whichever is earlier;

(k) Any individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the jurisdiction from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or who is violating a condition of probation or parole imposed under federal or state law;

(l) Aliens who are not qualified under federal law;

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(m) For a period of ten (10) years following conviction, individuals convicted in federal or state court of having made a fraudulent statement or representation with respect to the individual's place of residence in order to receive TANF, food stamps or Supplemental Security Income (SSI) assistance under Title XVI or Title XIX simultaneously from two (2) or more states; and

(n) Individuals who are recipients of federal Supplemental Security Income (SSI) assistance.

(4) (a) Any person who is otherwise eligible for TANF benefits, including custodial and noncustodial parents, shall be required to attend school and meet the monthly attendance requirement as provided in this subsection if all of the following apply:

- (i) The person is under age twenty (20);
- (ii) The person has not graduated from a public or private high school or obtained a GED equivalent;
- (iii) The person is physically able to attend school and is not excused from attending school; and
- (iv) If the person is a parent or caretaker relative with whom a dependent child is living, child care is available for the child.

The monthly attendance requirement under this subsection shall be attendance at the school in which the person is enrolled for each day during a month that the school conducts classes in which the person is enrolled, with not more than two (2) absences during the month for reasons other than the reasons listed in paragraph (e)(iv) of this subsection. Persons who fail to meet participation requirements in this subsection shall be subject to sanctions as provided in paragraph (f) of this subsection.

(b) As used in this subsection, "school" means any one (1) of the following:

- (i) A school as defined in Section 37-13-91(2);

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(ii) A vocational, technical and adult education program; or

(iii) A course of study meeting the standards established by the State Department of Education for the granting of a declaration of equivalency of high school graduation.

(c) If any compulsory-school-age child, as defined in Section 37-13-91(2), to which TANF eligibility requirements apply is not in compliance with the compulsory school attendance requirements of Section 37-13-91(6), the superintendent of schools of the school district in which the child is enrolled or eligible to attend shall notify the county department of human services of the child's noncompliance. The Department of Human Services shall review school attendance information as provided under this paragraph at all initial eligibility determinations and upon subsequent report of unsatisfactory attendance.

(d) The signature of a person on an application for TANF benefits constitutes permission for the release of school attendance records for that person or for any child residing with that person. The department shall request information from the child's school district about the child's attendance in the school district's most recently completed semester of attendance. If information about the child's previous school attendance is not available or cannot be verified, the department shall require the child to meet the monthly attendance requirement for one (1) semester or until the information is obtained. The department shall use the attendance information provided by a school district to verify attendance for a child. The department shall review with the parent or caretaker relative a child's claim that he or she has a good cause for not attending school.

A school district shall provide information to the department about the attendance of a child who is enrolled in a public school in the district within five (5) working days of the receipt of a written request for that information from the department. The

school district shall define how many hours of attendance count as a full day and shall provide that information, upon request, to the department. In reporting attendance, the school district may add partial days' absence together to constitute a full day's absence.

If a school district fails to provide to the department the information about the school attendance of any child within fifteen (15) working days after a written request, the department shall notify the Department of Audit within three (3) working days of the school district's failure to comply with that requirement. The Department of Audit shall begin audit proceedings within five (5) working days of notification by the Department of Human Services to determine the school district's compliance with the requirements of this subsection (4). If the Department of Audit finds that the school district is not in compliance with the requirements of this subsection, the school district shall be penalized as follows: The Department of Audit shall notify the State Department of Education of the school district's noncompliance, and the Department of Education shall reduce the calculation of the school district's average daily attendance (ADA) that is used to determine the allocation of Mississippi Adequate Education Program funds by the number of children for which the district has failed to provide to the Department of Human Services the required information about the school attendance of those children. The reduction in the calculation of the school district's ADA under this paragraph shall be effective for a period of one (1) year.

(e) A child who is required to attend school to meet the requirements under this subsection shall comply except when there is good cause, which shall be demonstrated by any of the following circumstances:

(i) The minor parent is the caretaker of a child less than twelve (12) weeks old; or

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(ii) The department determines that child care services are necessary for the minor parent to attend school and there is no child care available; or

(iii) The child is prohibited by the school district from attending school and an expulsion is pending. This exemption no longer applies once the teenager has been expelled; however, a teenager who has been expelled and is making satisfactory progress towards obtaining a GED equivalent shall be eligible for TANF benefits; or

(iv) The child failed to attend school for one or more of the following reasons:

1. Illness, injury or incapacity of the child or the minor parent's child;
2. Court-required appearances or temporary incarceration;
3. Medical or dental appointments for the child or minor parent's child;
4. Death of a close relative;
5. Observance of a religious holiday;
6. Family emergency;
7. Breakdown in transportation;
8. Suspension; or
9. Any other circumstance beyond the control of the child, as defined in regulations of the department.

(f) Upon determination that a child has failed without good cause to attend school as required, the department shall provide written notice to the parent or caretaker relative (whoever is the primary recipient of the TANF benefits) that specifies:

(i) That the family will be sanctioned in the next possible payment month because the child who is required to attend school has failed to meet the attendance requirement of this subsection;

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(ii) The beginning date of the sanction, and the child to whom the sanction applies;

(iii) The right of the child's parents or caretaker relative (whoever is the primary recipient of the TANF benefits) to request a fair hearing under this subsection.

The child's parent or caretaker relative (whoever is the primary recipient of the TANF benefits) may request a fair hearing on the department's determination that the child has not been attending school. If the child's parents or caretaker relative does not request a fair hearing under this subsection, or if, after a fair hearing has been held, the hearing officer finds that the child without good cause has failed to meet the monthly attendance requirement, the department shall discontinue or deny TANF benefits to the child thirteen (13) years old, or older, in the next possible payment month. The department shall discontinue or deny twenty-five percent (25%) of the family grant when a child six (6) through twelve (12) years of age without good cause has failed to meet the monthly attendance requirement. Both the child and family sanction may apply when children in both age groups fail to meet the attendance requirement without good cause. A sanction applied under this subsection shall be effective for one (1) month for each month that the child failed to meet the monthly attendance requirement. In the case of a dropout, the sanction shall remain in force until the parent or caretaker relative provides written proof from the school district that the child has reenrolled and met the monthly attendance requirement for one (1) calendar month. Any month in which school is in session for at least ten (10) days during the month may be used to meet the attendance requirement under this subsection. This includes attendance at summer school. The sanction shall be removed the next possible payment month.

(5) All parents or caretaker relatives shall have their dependent children receive vaccinations and booster vaccinations

against those diseases specified by the State Health Officer under Section 41-23-37 in accordance with the vaccination and booster vaccination schedule prescribed by the State Health Officer for children of that age, in order for the parents or caretaker relatives to be eligible or remain eligible to receive TANF benefits. Proof of having received such vaccinations and booster vaccinations shall be given by presenting the certificates of vaccination issued by any health care provider licensed to administer vaccinations, and submitted on forms specified by the State Board of Health. If the parents without good cause do not have their dependent children receive the vaccinations and booster vaccinations as required by this subsection and they fail to comply after thirty (30) days' notice, the department shall sanction the family's TANF benefits by twenty-five percent (25%) for the next payment month and each subsequent payment month until the requirements of this subsection are met.

(6) (a) If the parent or caretaker relative applying for TANF assistance is work eligible, as determined by the Department of Human Services, the person shall be required to engage in an allowable work activity once the department determines the parent or caretaker relative is determined work eligible, or once the parent or caretaker relative has received TANF assistance under the program for twenty-four (24) months, whether or not consecutive, whichever is earlier. No TANF benefits shall be given to any person to whom this section applies who fails without good cause to comply with the Employability Development Plan prepared by the department for the person, or who has refused to accept a referral or offer of employment, training or education in which he or she is able to engage, subject to the penalties prescribed in subsection (6) (e). A person shall be deemed to have refused to accept a referral or offer of employment, training or education if he or she:

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(i) Willfully fails to report for an interview with respect to employment when requested to do so by the department; or

(ii) Willfully fails to report to the department the result of a referral to employment; or

(iii) Willfully fails to report for allowable work activities as prescribed in subsection (6) (c) and (d).

(b) The Department of Human Services shall operate a statewide work program for TANF recipients to provide work activities and supportive services to enable families to become self-sufficient and improve their competitive position in the workforce in accordance with the requirements of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), as amended, and the regulations promulgated thereunder, and the Deficit Reduction Act of 2005 (Public Law 109-171), as amended. Within sixty (60) days after the initial application for TANF benefits, the TANF recipient must participate in a job search skills training workshop or a job readiness program, which shall include résumé writing, job search skills, employability skills and, if available at no charge, the General Aptitude Test Battery or its equivalent. All adults who are not specifically exempt shall be referred by the department for allowable work activities. An adult may be exempt from the mandatory work activity requirement for the following reasons:

(i) Incapacity;

(ii) Temporary illness or injury, verified by physician's certificate;

(iii) Is in the third trimester of pregnancy, and there are complications verified by the certificate of a physician, nurse practitioner, physician assistant, or any other licensed health care professional practicing under a protocol with a licensed physician;

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(iv) Caretaker of a child under twelve (12) months, for not more than twelve (12) months of the sixty-month maximum benefit period;

(v) Caretaker of an ill or incapacitated person, as verified by physician's certificate;

(vi) Age, if over sixty (60) or under eighteen (18) years of age;

(vii) Receiving treatment for substance abuse, if the person is in compliance with the substance abuse treatment plan;

(viii) In a two-parent family, the caretaker of a severely disabled child, as verified by a physician's certificate; or

(ix) History of having been a victim of domestic violence, which has been reported as required by state law and is substantiated by police reports or court records, and being at risk of further domestic violence, shall be exempt for a period as deemed necessary by the department but not to exceed a total of twelve (12) months, which need not be consecutive, in the sixty-month maximum benefit period. For the purposes of this subparagraph (ix), "domestic violence" means that an individual has been subjected to:

1. Physical acts that resulted in, or threatened to result in, physical injury to the individual;
2. Sexual abuse;
3. Sexual activity involving a dependent child;
4. Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
5. Threats of, or attempts at, physical or sexual abuse;
6. Mental abuse; or

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7. Neglect or deprivation of medical care.

(c) For all families, all adults who are not specifically exempt shall be required to participate in work activities for at least the minimum average number of hours per week specified by federal law or regulation, not fewer than twenty (20) hours per week (thirty-five (35) hours per week for two-parent families) of which are attributable to the following allowable work activities:

- (i) Unsubsidized employment;
- (ii) Subsidized private employment;
- (iii) Subsidized public employment;
- (iv) Work experience (including work associated with the refurbishing of publicly assisted housing), if sufficient private employment is not available;
- (v) On-the-job training;
- (vi) Job search and job readiness assistance consistent with federal TANF regulations;
- (vii) Community service programs;
- (viii) Vocational educational training (not to exceed twelve (12) months with respect to any individual);
- (ix) The provision of child care services to an individual who is participating in a community service program;
- (x) Satisfactory attendance at high school or in a course of study leading to a high school equivalency certificate, for heads of household under age twenty (20) who have not completed high school or received such certificate;
- (xi) Education directly related to employment, for heads of household under age twenty (20) who have not completed high school or received such equivalency certificate.

(d) The following are allowable work activities which may be attributable to hours in excess of the minimum specified in subsection (6)(c):

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(i) Job skills training directly related to employment;

(ii) Education directly related to employment for individuals who have not completed high school or received a high school equivalency certificate;

(iii) Satisfactory attendance at high school or in a course of study leading to a high school equivalency, for individuals who have not completed high school or received such equivalency certificate;

(iv) Job search and job readiness assistance consistent with federal TANF regulations.

(e) If any adult or caretaker relative refuses to participate in allowable work activity as required under this subsection (6), the following full family TANF benefit penalty will apply, subject to due process to include notification, conciliation and a hearing if requested by the recipient:

(i) For the first violation, the department shall terminate the TANF assistance otherwise payable to the family for a two-month period or until the person has complied with the required work activity, whichever is longer;

(ii) For the second violation, the department shall terminate the TANF assistance otherwise payable to the family for a six-month period or until the person has complied with the required work activity, whichever is longer;

(iii) For the third violation, the department shall terminate the TANF assistance otherwise payable to the family for a twelve-month period or until the person has complied with the required work activity, whichever is longer;

(iv) For the fourth violation, the person shall be permanently disqualified.

For a two-parent family, unless prohibited by state or federal law, Medicaid assistance shall be terminated only for the person whose failure to participate in allowable work activity

caused the family's TANF assistance to be sanctioned under this subsection (6) (e), unless an individual is pregnant, but shall not be terminated for any other person in the family who is meeting that person's applicable work requirement or who is not required to work. Minor children shall continue to be eligible for Medicaid benefits regardless of the disqualification of their parent or caretaker relative for TANF assistance under this subsection (6), unless prohibited by state or federal law.

(f) Any person enrolled in a two-year or four-year college program who meets the eligibility requirements to receive TANF benefits, and who is meeting the applicable work requirements and all other applicable requirements of the TANF program, shall continue to be eligible for TANF benefits while enrolled in the college program for as long as the person meets the requirements of the TANF program, unless prohibited by federal law.

(g) No adult in a work activity required under this subsection (6) shall be employed or assigned (i) when any other individual is on layoff from the same or any substantially equivalent job within six (6) months before the date of the TANF recipient's employment or assignment; or (ii) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. The Mississippi Department of Employment Security, established under Section 71-5-101, shall appoint one or more impartial hearing officers to hear and decide claims by employees of violations of this paragraph (g). The hearing officer shall hear all the evidence with respect to any claim made hereunder and such additional evidence as he may require and shall make a determination and the reason therefor. The claimant shall be promptly notified of the decision of the hearing officer and the reason therefor. Within ten (10) days after the decision of the hearing officer has become final, any party aggrieved thereby may

secure judicial review thereof by commencing an action, in the circuit court of the county in which the claimant resides, against the department for the review of such decision, in which action any other party to the proceeding before the hearing officer shall be made a defendant. Any such appeal shall be on the record which shall be certified to the court by the department in the manner provided in Section 71-5-531, and the jurisdiction of the court shall be confined to questions of law which shall render its decision as provided in that section.

(7) The Department of Human Services may provide child care for eligible participants who require such care so that they may accept employment or remain employed. The department may also provide child care for those participating in the TANF program when it is determined that they are satisfactorily involved in education, training or other allowable work activities. The department may contract with Head Start agencies to provide child care services to TANF recipients. The department may also arrange for child care by use of contract or vouchers, provide vouchers in advance to a caretaker relative, reimburse a child care provider, or use any other arrangement deemed appropriate by the department, and may establish different reimbursement rates for child care services depending on the category of the facility or home. Any center-based or group home child care facility under this subsection shall be licensed by the State Department of Health pursuant to law. When child care is being provided in the child's own home, in the home of a relative of the child, or in any other unlicensed setting, the provision of such child care may be monitored on a random basis by the Department of Human Services or the State Department of Health. Transitional child care assistance may be continued if it is necessary for parents to maintain employment once support has ended, unless prohibited under state or federal law. Transitional child care assistance may be provided for up to twenty-four (24) months after the last

month during which the family was eligible for TANF assistance, if federal funds are available for such child care assistance.

(8) The Department of Human Services may provide transportation or provide reasonable reimbursement for transportation expenses that are necessary for individuals to be able to participate in allowable work activity under the TANF program.

(9) Medicaid assistance shall be provided to a family of TANF program participants for up to twenty-four (24) consecutive calendar months following the month in which the participating family would be ineligible for TANF benefits because of increased income, expiration of earned income disregards, or increased hours of employment of the caretaker relative; however, Medicaid assistance for more than twelve (12) months may be provided only if a federal waiver is obtained to provide such assistance for more than twelve (12) months and federal and state funds are available to provide such assistance.

(10) The department shall require applicants for and recipients of public assistance from the department to sign a personal responsibility contract that will require the applicant or recipient to acknowledge his or her responsibilities to the state.

(11) The department shall enter into an agreement with the State Personnel Board and other state agencies that will allow those TANF participants who qualify for vacant jobs within state agencies to be placed in state jobs. State agencies participating in the TANF work program shall receive any and all benefits received by employers in the private sector for hiring TANF recipients. This subsection (11) shall be effective only if the state obtains any necessary federal waiver or approval and if federal funds are available therefor.

(12) Any unspent TANF funds remaining from the prior fiscal year may be expended for any TANF allowable activities.

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(13) The Mississippi Department of Human Services shall provide TANF applicants information and referral to programs that provide information about birth control, prenatal health care, abstinence education, marriage education, family preservation and fatherhood.

(14) No new TANF program requirement or restriction affecting a person's eligibility for TANF assistance, or allowable work activity, which is not mandated by federal law or regulation may be implemented by the Department of Human Services after July 1, 2004, unless such is specifically authorized by an amendment to this section by the Legislature.

* * *

SECTION 51. Section 43-19-45, Mississippi Code of 1972, is reenacted and amended as follows:

43-19-45. (1) The Child Support Unit shall establish a state parent locator service for the purpose of locating absent and nonsupporting parents and alleged parents, which will utilize all appropriate public and private locator sources. In order to carry out the responsibilities imposed under Sections 43-19-31 through 43-19-53, the Child Support Unit may secure, by administrative subpoena from the customer records of public utilities and cable television companies, the names and addresses of individuals and the names and addresses of employers of such individuals that would enable the location of parents or alleged parents who have a duty to provide support and maintenance for their children. The Child Support Unit may also administratively subpoena any and all financial information, including account numbers, names and social security numbers of record for assets, accounts, and account balances from any individual, financial institution, business or other entity, public or private, needed to establish, modify or enforce a support order. No entity complying with an administrative subpoena to supply the requested information of whatever nature shall be liable in any civil action

or proceeding on account of such compliance. Full faith and credit shall be given to all uniform administrative subpoenas issued by other state child support units. The recipient of an administrative subpoena shall supply the Child Support Unit, other state and federal IV-D agencies, its attorneys, investigators, probation officers, county or district attorneys in this state, all information relative to the location, employment, employment-related benefits including, but not limited to, availability of medical insurance, income and property of such parents and alleged parents and with all information on hand relative to the location and prosecution of any person who has, by means of a false statement or misrepresentation or by impersonation or other fraudulent device, obtained Temporary Assistance for Needy Families (TANF) to which he or she was not entitled, notwithstanding any provision of law making such information confidential. The Mississippi Department of Information Technology Services and any other agency in this state using the facilities of the Mississippi Department of Information Technology Services are directed to permit the Child Support Unit access to their files, inclusive of those maintained for other state agencies, for the purpose of locating absent and nonsupporting parents and alleged parents, except to the extent that any such access would violate any valid federal statute or regulation issued pursuant thereto. The Child Support Unit, other state and federal IV-D agencies, its attorneys, investigators, probation officers, or county or district attorneys, shall use such information only for the purpose of investigating or enforcing the support liability of such absent parents or alleged parents or for the prosecution of other persons mentioned herein. Neither the Child Support Unit nor those authorities shall use the information, or disclose it, for any other purpose. All records maintained pursuant to the provisions of Sections 43-19-31 through 43-19-53 shall be confidential and shall be available only to the

Child Support Unit, other state and federal IV-D agencies, the attorneys, investigators and other staff employed or under contract under Sections 43-19-31 through 43-19-53, district or county attorneys, probation departments, child support units in other states, and courts having jurisdiction in paternity, support or abandonment proceedings. The Child Support Unit may release to the public the name, photo, last-known address, arrearage amount and other necessary information of a parent who has a judgment against him for child support and is currently in arrears in the payment of this support. Such release may be included in a "Most Wanted List" or other media in order to solicit assistance.

(2) The Child Support Unit shall have the authority to secure information from the records of the Mississippi Department of Employment Security that may be necessary to locate absent and nonsupporting parents and alleged parents under the provisions of Sections 43-19-31 through 43-19-53. Upon request of the Child Support Unit, all departments, boards, bureaus and agencies of the state shall provide to the Child Support Unit verification of employment or payment and the address and social security number of any person designated as an absent or nonsupporting parent or alleged parent. In addition, upon request of the Child Support Unit, the Mississippi Department of Employment Security, or any private employer or payor of any income to a person designated as an absent or nonsupporting parent or alleged parent, shall provide to the Child Support Unit verification of employment or payment and the address and social security number of the person so designated. Full faith and credit shall be given to such notices issued by child support units in other states. All such records and information shall be confidential and shall not be used for any purposes other than those specified by Sections 43-19-31 through 43-19-53. The violation of the provisions of this subsection shall be unlawful and any person convicted of violating the provisions of this subsection shall be guilty of a misdemeanor

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and shall pay a fine of not more than Two Hundred Dollars (\$200.00).

(3) Federal and state IV-D agencies shall have access to the state parent locator service and any system used by the Child Support Unit to locate an individual for purposes relating to motor vehicles or law enforcement. No employer or other source of income who complies with this section shall be liable in any civil action or proceeding brought by the obligor or obligee on account of such compliance.

SECTION 52. Section 57-62-5, Mississippi Code of 1972, is reenacted as follows:

[For businesses or industries that received or applied for incentive payments prior to July 1, 2005, this section shall read as follows:]

57-62-5. As used in this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Qualified business or industry" means any corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred twenty-five percent (125%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. An establishment shall not be considered to be a qualified business or industry unless it offers, or will offer within one hundred eighty (180) days of the date it receives the first incentive payment pursuant to the provisions of this chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which

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is approved by the MDA. Qualified business or industry does not include retail business or gaming business;

(b) "New direct job" means full-time employment in this state in a qualified business or industry that has qualified to receive an incentive payment pursuant to this chapter, which employment did not exist in this state before the date of approval by the MDA of the application of the qualified business or industry pursuant to the provisions of this chapter. "New direct job" shall include full-time employment in this state of employees who are employed by an entity other than the establishment that has qualified to receive an incentive payment and who are leased to the qualified business or industry, if such employment did not exist in this state before the date of approval by the MDA of the application of the establishment;

(c) "Full-time job" means a job of at least thirty-five (35) hours per week;

(d) "Estimated direct state benefits" means the tax revenues projected by the MDA to accrue to the state as a result of the qualified business or industry;

(e) "Estimated direct state costs" means the costs projected by the MDA to accrue to the state as a result of the qualified business or industry;

(f) "Estimated net direct state benefits" means the estimated direct state benefits less the estimated direct state costs;

(g) "Net benefit rate" means the estimated net direct state benefits computed as a percentage of gross payroll, provided that:

(i) Except as otherwise provided in this paragraph (g), the net benefit rate may be variable and shall not exceed four percent (4%) of the gross payroll; and shall be set in the sole discretion of the MDA;

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(ii) In no event shall incentive payments, cumulatively, exceed the estimated net direct state benefits;

(h) "Gross payroll" means wages for new direct jobs of the qualified business or industry; and

(i) "MDA" means the Mississippi Development Authority.

[For businesses or industries that received or applied for incentive payments from and after July 1, 2005, but prior to July 1, 2010, this section shall read as follows:]

57-62-5. As used in this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Qualified business or industry" means any corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which:

(i) Is a data/information processing enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred percent (100%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than two hundred (200) new direct jobs if the enterprise is located in a Tier One or Tier Two area (as such areas are designated in accordance with Section 57-73-21), or which creates not less than one hundred (100) new jobs if the enterprise is located in a Tier Three area (as such areas are designated in accordance with Section 57-73-21);

(ii) Is a manufacturing or distribution enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to

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Mississippi income taxes, of at least one hundred ten percent (110%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, invests not less than Twenty Million Dollars (\$20,000,000.00) in land, buildings and equipment, and creates not less than fifty (50) new direct jobs if the enterprise is located in a Tier One or Tier Two area (as such areas are designated in accordance with Section 57-73-21), or which creates not less than twenty (20) new jobs if the enterprise is located in a Tier Three area (as such areas are designated in accordance with Section 57-73-21);

(iii) Is a corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred twenty-five percent (125%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than twenty-five (25) new direct jobs if the enterprise is located in a Tier One or Tier Two area (as such areas are designated in accordance with Section 57-73-21), or which creates not less than ten (10) new jobs if the enterprise is located in a Tier Three area (as such areas are designated in accordance with Section 57-73-21). An establishment shall not be considered to be a qualified business or industry unless it offers, or will offer within one hundred eighty (180) days of the date it receives the first incentive payment pursuant to the provisions of this chapter, a basic health benefits plan to the

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individuals it employs in new direct jobs in this state which is approved by the MDA. Qualified business or industry does not include retail business or gaming business; or

(iv) Is a research and development or a technology intensive enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than ten (10) new direct jobs.

An establishment shall not be considered to be a qualified business or industry unless it offers, or will offer within one hundred eighty (180) days of the date it receives the first incentive payment pursuant to the provisions of this chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which is approved by the MDA. Qualified business or industry does not include retail business or gaming business.

(b) "New direct job" means full-time employment in this state in a qualified business or industry that has qualified to receive an incentive payment pursuant to this chapter, which employment did not exist in this state before the date of approval by the MDA of the application of the qualified business or industry pursuant to the provisions of this chapter. "New direct job" shall include full-time employment in this state of employees who are employed by an entity other than the establishment that has qualified to receive an incentive payment and who are leased to the qualified business or industry, if such employment did not exist in this state before the date of approval by the MDA of the application of the establishment.

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(c) "Full-time job" or "full-time employment" means a job of at least thirty-five (35) hours per week.

(d) "Estimated direct state benefits" means the tax revenues projected by the MDA to accrue to the state as a result of the qualified business or industry.

(e) "Estimated direct state costs" means the costs projected by the MDA to accrue to the state as a result of the qualified business or industry.

(f) "Estimated net direct state benefits" means the estimated direct state benefits less the estimated direct state costs.

(g) "Net benefit rate" means the estimated net direct state benefits computed as a percentage of gross payroll, provided that:

(i) Except as otherwise provided in this paragraph (g), the net benefit rate may be variable and shall not exceed four percent (4%) of the gross payroll; and shall be set in the sole discretion of the MDA;

(ii) In no event shall incentive payments, cumulatively, exceed the estimated net direct state benefits.

(h) "Gross payroll" means wages for new direct jobs of the qualified business or industry.

(i) "MDA" means the Mississippi Development Authority.

[For businesses or industries that apply for incentive payments from and after July 1, 2010, this section shall read as follows:]

57-62-5. As used in this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Qualified business or industry" means any corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits

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or affiliates thereof, pursuant to rules and regulations of the MDA, which:

(i) Is a data/information processing enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred percent (100%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than two hundred (200) new direct jobs;

(ii) Is a corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred ten percent (110%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than twenty-five (25) new direct jobs; or

(iii) Is a corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which is a manufacturer that:

1. Provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred ten percent (110%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified

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business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser;

2. Has a minimum of five thousand (5,000) existing employees as of the last day of the previous calendar year; and

3. MDA determines will create not less than three thousand (3,000) new direct jobs within forty-eight (48) months of the date the MDA determines that the applicant is qualified to receive incentive payments.

An establishment shall not be considered to be a qualified business or industry unless it offers, or will offer within one hundred eighty (180) days of the date it receives the first incentive payment pursuant to the provisions of this chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which is approved by the MDA. Qualified business or industry does not include retail business or gaming business.

(b) "New direct job" means full-time employment in this state in a qualified business or industry that has qualified to receive an incentive payment pursuant to this chapter, which employment did not exist in this state before the date of approval by the MDA of the application of the qualified business or industry pursuant to the provisions of this chapter. "New direct job" shall include full-time employment in this state of employees who are employed by an entity other than the establishment that has qualified to receive an incentive payment and who are leased to the qualified business or industry, if such employment did not exist in this state before the date of approval by the MDA of the application of the establishment.

(c) "Full-time job" or "full-time employment" means a job of at least thirty-five (35) hours per week.

(d) "Gross payroll" means wages for new direct jobs of the qualified business or industry.

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(e) "MDA" means the Mississippi Development Authority.

SECTION 53. Section 57-62-9, Mississippi Code of 1972, is reenacted as follows:

[For businesses or industries that received or applied for incentive payments prior to July 1, 2005, this section shall read as follows:]

57-62-9. (1) Except as otherwise provided in this section, a qualified business or industry that meets the qualifications specified in this chapter may receive quarterly incentive payments for a period not to exceed ten (10) years from the Department of Revenue pursuant to the provisions of this chapter in an amount which shall be equal to the net benefit rate multiplied by the actual gross payroll of new direct jobs for a calendar quarter as verified by the Mississippi Department of Employment Security, but not to exceed the amount of money previously paid into the fund by the employer. A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 may elect the date upon which the ten-year period will begin. Such date may not be later than sixty (60) months after the date the business or industry applied for incentive payments.

(2) (a) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to receive incentive payments for an additional period not to exceed five (5) years beyond the expiration date of the initial ten-year period if:

(i) The qualified business or industry creates at least three thousand (3,000) new direct jobs within five (5) years after the date the business or industry commences commercial production;

(ii) Within five (5) years after the date the business or industry commences commercial production, the average annual wage of the jobs is at least one hundred fifty percent (150%) of the most recently published state average annual wage or

the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for the average annual wage requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of creation of the minimum number of jobs, and the threshold established at that time will remain constant for the duration of the additional period; and

(iii) The qualified business or industry meets and maintains the job and wage requirements of subparagraphs (i) and (ii) of this paragraph (a) for four (4) consecutive calendar quarters.

(b) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 and qualified to receive incentive payments for the additional period provided in paragraph (a) of this subsection (2) may apply to the MDA to receive incentive payments for an additional period not to exceed ten (10) years beyond the expiration date of the additional period provided in paragraph (a) of this subsection (2) if:

(i) The qualified business or industry creates at least four thousand (4,000) new direct jobs after qualifying for the additional incentive period provided in paragraph (a) of this subsection (2) but before the expiration of the additional period. For purposes of determining whether the business or industry meets the minimum jobs requirement of this subparagraph (i), the number of jobs the business or industry created in order to meet the minimum jobs requirement of paragraph (a) of this subsection (2) shall be subtracted from the minimum jobs requirement of this subparagraph (i);

(ii) The average annual wage of the jobs is at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published

average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for the average annual wage requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of creation of the minimum number of jobs, and the threshold established at that time will remain constant for the duration of the additional period; and

(iii) The qualified business or industry meets and maintains the job and wage requirements of subparagraphs (i) and (ii) of this paragraph (b) for four (4) consecutive calendar quarters.

(3) In order to receive incentive payments, an establishment shall apply to the MDA. The application shall be on a form prescribed by the MDA and shall contain such information as may be required by the MDA to determine if the applicant is qualified.

(4) In order to qualify to receive such payments, the establishment applying shall be required to:

(a) Be engaged in a qualified business or industry;

(b) Provide an average salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred twenty-five percent (125%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for this requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of application, and the threshold established upon application will remain constant for the duration of the project;

(c) The business or industry must create and maintain a minimum of ten (10) full-time jobs in counties that have an average unemployment rate over the previous twelve-month period

which is at least one hundred fifty percent (150%) of the most recently published state unemployment rate, as determined by the Mississippi Department of Employment Security or in Tier Three counties as determined under Section 57-73-21. In all other counties, the business or industry must create and maintain a minimum of twenty-five (25) full-time jobs. The criteria for this requirement shall be based on the designation of the county at the time of the application. The threshold established upon the application will remain constant for the duration of the project. The business or industry must meet its job creation commitment within twenty-four (24) months of the application approval. However, if the qualified business or industry is applying for incentive payments for an additional period under subsection (2) of this section, the business or industry must comply with the applicable job and wage requirements of subsection (2) of this section.

(5) The MDA shall determine if the applicant is qualified to receive incentive payments. If the applicant is determined to be qualified by the MDA, the MDA shall conduct a cost/benefit analysis to determine the estimated net direct state benefits and the net benefit rate applicable for a period not to exceed ten (10) years and to estimate the amount of gross payroll for the period. If the applicant is determined to be qualified to receive incentive payments for an additional period under subsection (2) of this section, the MDA shall conduct a cost/benefit analysis to determine the estimated net direct state benefits and the net benefit rate applicable for the appropriate additional period and to estimate the amount of gross payroll for the additional period. In conducting such cost/benefit analysis, the MDA shall consider quantitative factors, such as the anticipated level of new tax revenues to the state along with the cost to the state of the qualified business or industry, and such other criteria as deemed appropriate by the MDA, including the adequacy of retirement

benefits that the business or industry provides to individuals it employs in new direct jobs in this state. In no event shall incentive payments, cumulatively, exceed the estimated net direct state benefits. Once the qualified business or industry is approved by the MDA, an agreement shall be deemed to exist between the qualified business or industry and the State of Mississippi, requiring the continued incentive payment to be made as long as the qualified business or industry retains its eligibility.

(6) Upon approval of such an application, the MDA shall notify the Department of Revenue and shall provide it with a copy of the approved application and the estimated net direct state benefits. The Department of Revenue may require the qualified business or industry to submit such additional information as may be necessary to administer the provisions of this chapter. The qualified business or industry shall report to the Department of Revenue periodically to show its continued eligibility for incentive payments. The qualified business or industry may be audited by the Department of Revenue to verify such eligibility.

(7) If the qualified business or industry is located in an area that has been declared by the Governor to be a disaster area and as a result of the disaster the business or industry is unable to create or maintain the full-time jobs required by this section:

(a) The Commissioner of Revenue may extend the period of time that the business or industry may receive incentive payments for a period of time not to exceed two (2) years;

(b) The Commissioner of Revenue may waive the requirement that a certain number of jobs be maintained for a period of time not to exceed twenty-four (24) months; and

(c) The MDA may extend the period of time within which the jobs must be created for a period of time not to exceed twenty-four (24) months.

[For businesses or industries that received or applied for incentive payments from and after July 1, 2005, but prior to July 1, 2010, this section shall read as follows:]

57-62-9. (1) (a) Except as otherwise provided in this section, a qualified business or industry that meets the qualifications specified in this chapter may receive quarterly incentive payments for a period not to exceed ten (10) years from the Department of Revenue pursuant to the provisions of this chapter in an amount which shall be equal to the net benefit rate multiplied by the actual gross payroll of new direct jobs for a calendar quarter as verified by the Mississippi Department of Employment Security, but not to exceed:

(i) Ninety percent (90%) of the amount of money previously paid into the fund by the employer if the employer provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred seventy-five percent (175%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser;

(ii) Eighty percent (80%) of the amount of money previously paid into the fund by the employer if the employer provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred twenty-five percent (125%) but less than one hundred seventy-five percent (175%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser; or

(iii) Seventy percent (70%) of the amount of money previously paid into the fund by the employer if the employer

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provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of less than one hundred twenty-five percent (125%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser.

(b) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 may elect the date upon which the ten-year period will begin. Such date may not be later than sixty (60) months after the date the business or industry applied for incentive payments.

(2) (a) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to receive incentive payments for an additional period not to exceed five (5) years beyond the expiration date of the initial ten-year period if:

(i) The qualified business or industry creates at least three thousand (3,000) new direct jobs within five (5) years after the date the business or industry commences commercial production;

(ii) Within five (5) years after the date the business or industry commences commercial production, the average annual wage of the jobs is at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for the average annual wage requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of creation of the minimum number of jobs, and the threshold

established at that time will remain constant for the duration of the additional period; and

(iii) The qualified business or industry meets and maintains the job and wage requirements of subparagraphs (i) and (ii) of this paragraph (a) for four (4) consecutive calendar quarters.

(b) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 and qualified to receive incentive payments for the additional period provided in paragraph (a) of this subsection (2) may apply to the MDA to receive incentive payments for an additional period not to exceed ten (10) years beyond the expiration date of the additional period provided in paragraph (a) of this subsection (2) if:

(i) The qualified business or industry creates at least four thousand (4,000) new direct jobs after qualifying for the additional incentive period provided in paragraph (a) of this subsection (2) but before the expiration of the additional period. For purposes of determining whether the business or industry meets the minimum jobs requirement of this subparagraph (i), the number of jobs the business or industry created in order to meet the minimum jobs requirement of paragraph (a) of this subsection (2) shall be subtracted from the minimum jobs requirement of this subparagraph (i);

(ii) The average annual wage of the jobs is at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for the average annual wage requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of creation of the minimum

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number of jobs, and the threshold established at that time will remain constant for the duration of the additional period; and

(iii) The qualified business or industry meets and maintains the job and wage requirements of subparagraphs (i) and (ii) of this paragraph (b) for four (4) consecutive calendar quarters.

(3) In order to receive incentive payments, an establishment shall apply to the MDA. The application shall be on a form prescribed by the MDA and shall contain such information as may be required by the MDA to determine if the applicant is qualified.

(4) (a) In order to qualify to receive such payments, the establishment applying shall be required to meet the definition of the term "qualified business or industry";

(b) The criteria for the average annual salary requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of application, and the threshold established upon application will remain constant for the duration of the project;

(c) The business or industry must meet its job creation commitment within twenty-four (24) months of the application approval. However, if the qualified business or industry is applying for incentive payments for an additional period under subsection (2) of this section, the business or industry must comply with the applicable job and wage requirements of subsection (2) of this section.

(5) (a) The MDA shall determine if the applicant is qualified to receive incentive payments.

(b) If the applicant is determined to be qualified to receive incentive payments for an additional period under subsection (2) of this section, the MDA shall conduct a cost/benefit analysis to determine the estimated net direct state benefits and the net benefit rate applicable for the appropriate additional period and to estimate the amount of gross payroll for

the additional period. In conducting such cost/benefit analysis, the MDA shall consider quantitative factors, such as the anticipated level of new tax revenues to the state along with the cost to the state of the qualified business or industry, and such other criteria as deemed appropriate by the MDA, including the adequacy of retirement benefits that the business or industry provides to individuals it employs in new direct jobs in this state. In no event shall incentive payments, cumulatively, exceed the estimated net direct state benefits. Once the qualified business or industry is approved by the MDA, an agreement shall be deemed to exist between the qualified business or industry and the State of Mississippi, requiring the continued incentive payment to be made as long as the qualified business or industry retains its eligibility.

(6) Upon approval of such an application, the MDA shall notify the Department of Revenue and shall provide it with a copy of the approved application and the estimated net direct state benefits. The Department of Revenue may require the qualified business or industry to submit such additional information as may be necessary to administer the provisions of this chapter. The qualified business or industry shall report to the Department of Revenue periodically to show its continued eligibility for incentive payments. The qualified business or industry may be audited by the Department of Revenue to verify such eligibility.

(7) If the qualified business or industry is located in an area that has been declared by the Governor to be a disaster area and as a result of the disaster the business or industry is unable to create or maintain the full-time jobs required by this section:

(a) The Commissioner of Revenue may extend the period of time that the business or industry may receive incentive payments for a period of time not to exceed two (2) years;

(b) The Commissioner of Revenue may waive the requirement that a certain number of jobs be maintained for a period of time not to exceed twenty-four (24) months; and

(c) The MDA may extend the period of time within which the jobs must be created for a period of time not to exceed twenty-four (24) months.

[For businesses or industries that apply for incentive payments from and after July 1, 2010, this section shall read as follows:]

57-62-9. (1) (a) Except as otherwise provided in this section, a qualified business or industry that meets the qualifications specified in this chapter may receive quarterly incentive payments for a period not to exceed ten (10) years from the Department of Revenue pursuant to the provisions of this chapter in an amount which shall be equal to ninety percent (90%) of the amount of actual income tax withheld for employees with new direct jobs, but in no event more than four percent (4%) of the total annual salary paid for new direct jobs during such period, excluding benefits which are not subject to Mississippi income taxes.

(b) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 may elect the date upon which the ten-year period will begin. Such date may not be later than sixty (60) months after the date the business or industry applied for incentive payments.

(c) A qualified business or industry as defined in Section 57-62-5(a)(iii) may elect the date upon which the ten-year period will begin and may elect to begin receiving incentive payments as early as the second quarter after that date. Incentive payments will be calculated on all jobs above the existing number of jobs as of the date the MDA determines that the applicant is qualified to receive incentive payments. In the event that the qualified business or industry falls below the

number of existing jobs at the time of determination that the applicant is qualified to receive the incentive payment, the incentive payment shall cease until the qualified business or industry once again exceeds that number. If after forty-eight (48) months, the qualified business or industry has failed to create at least three thousand (3,000) new direct jobs, incentive payments shall cease and the qualified business or industry shall not be qualified to receive further incentive payments.

(2) (a) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to receive incentive payments for an additional period not to exceed five (5) years beyond the expiration date of the initial ten-year period if:

(i) The qualified business or industry creates at least three thousand (3,000) new direct jobs within five (5) years after the date the business or industry commences commercial production;

(ii) Within five (5) years after the date the business or industry commences commercial production, the average annual wage of the jobs is at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for the average annual wage requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of creation of the minimum number of jobs, and the threshold established at that time will remain constant for the duration of the additional period; and

(iii) The qualified business or industry meets and maintains the job and wage requirements of subparagraphs (i) and

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(ii) of this paragraph (a) for four (4) consecutive calendar quarters.

(b) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 and qualified to receive incentive payments for the additional period provided in paragraph (a) of this subsection (2) may apply to the MDA to receive incentive payments for an additional period not to exceed ten (10) years beyond the expiration date of the additional period provided in paragraph (a) of this subsection (2) if:

(i) The qualified business or industry creates at least four thousand (4,000) new direct jobs after qualifying for the additional incentive period provided in paragraph (a) of this subsection (2) but before the expiration of the additional period. For purposes of determining whether the business or industry meets the minimum jobs requirement of this subparagraph (i), the number of jobs the business or industry created in order to meet the minimum jobs requirement of paragraph (a) of this subsection (2) shall be subtracted from the minimum jobs requirement of this subparagraph (i);

(ii) The average annual wage of the jobs is at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for the average annual wage requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of creation of the minimum number of jobs, and the threshold established at that time will remain constant for the duration of the additional period; and

(iii) The qualified business or industry meets and maintains the job and wage requirements of subparagraphs (i) and

(ii) of this paragraph (b) for four (4) consecutive calendar quarters.

(3) In order to receive incentive payments, an establishment shall apply to the MDA. The application shall be on a form prescribed by the MDA and shall contain such information as may be required by the MDA to determine if the applicant is qualified.

(4) (a) In order to qualify to receive such payments, the establishment applying shall be required to meet the definition of the term "qualified business or industry";

(b) The criteria for the average annual salary requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of application, and the threshold established upon application will remain constant for the duration of the project;

(c) Except as otherwise provided for a qualified business or industry as defined in Section 57-62-5(a)(iii), the business or industry must meet its job creation commitment within twenty-four (24) months of the application approval. However, if the qualified business or industry is applying for incentive payments for an additional period under subsection (2) of this section, the business or industry must comply with the applicable job and wage requirements of subsection (2) of this section.

(5) (a) The MDA shall determine if the applicant is qualified to receive incentive payments.

(b) If the applicant is determined to be qualified to receive incentive payments for an additional period under subsection (2) of this section, the MDA shall conduct an analysis to estimate the amount of gross payroll for the appropriate additional period. Incentive payments, cumulatively, shall not exceed ninety percent (90%) of the amount of actual income tax withheld for employees with new direct jobs, but in no event more than four percent (4%) of the total annual salary paid for new direct jobs during the additional period, excluding benefits which

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are not subject to Mississippi income taxes. Once the qualified business or industry is approved by the MDA, an agreement shall be deemed to exist between the qualified business or industry and the State of Mississippi, requiring the continued incentive payment to be made as long as the qualified business or industry retains its eligibility.

(6) Upon approval of such an application, the MDA shall notify the Department of Revenue and shall provide it with a copy of the approved application and the minimum job and salary requirements. The Department of Revenue may require the qualified business or industry to submit such additional information as may be necessary to administer the provisions of this chapter. The qualified business or industry shall report to the Department of Revenue periodically to show its continued eligibility for incentive payments. The qualified business or industry may be audited by the Department of Revenue to verify such eligibility.

(7) If the qualified business or industry is located in an area that has been declared by the Governor to be a disaster area and as a result of the disaster the business or industry is unable to create or maintain the full-time jobs required by this section:

(a) The Commissioner of Revenue may extend the period of time that the business or industry may receive incentive payments for a period of time not to exceed two (2) years;

(b) The Commissioner of Revenue may waive the requirement that a certain number of jobs be maintained for a period of time not to exceed twenty-four (24) months; and

(c) The MDA may extend the period of time within which the jobs must be created for a period of time not to exceed twenty-four (24) months.

SECTION 54. Section 57-75-5, Mississippi Code of 1972, is reenacted as follows:

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57-75-5. Words and phrases used in this chapter shall have meanings as follows, unless the context clearly indicates a different meaning:

(a) "Act" means the Mississippi Major Economic Impact Act as originally enacted or as hereafter amended.

(b) "Authority" means the Mississippi Major Economic Impact Authority created pursuant to the act.

(c) "Bonds" means general obligation bonds, interim notes and other evidences of debt of the State of Mississippi issued pursuant to this chapter.

(d) "Facility related to the project" means and includes any of the following, as the same may pertain to the project within the project area: (i) facilities to provide potable and industrial water supply systems, sewage and waste disposal systems and water, natural gas and electric transmission systems to the site of the project; (ii) airports, airfields and air terminals; (iii) rail lines; (iv) port facilities; (v) highways, streets and other roadways; (vi) public school buildings, classrooms and instructional facilities, training facilities and equipment, including any functionally related facilities; (vii) parks, outdoor recreation facilities and athletic facilities; (viii) auditoriums, pavilions, campgrounds, art centers, cultural centers, folklore centers and other public facilities; (ix) health care facilities, public or private; and (x) fire protection facilities, equipment and elevated water tanks.

(e) "Person" means any natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, fiduciary, governmental unit, public agency, political subdivision, or any other group acting as a unit, and the plural as well as the singular.

(f) "Project" means:

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(i) Any industrial, commercial, research and development, warehousing, distribution, transportation, processing, mining, United States government or tourism enterprise together with all real property required for construction, maintenance and operation of the enterprise with an initial capital investment of not less than Three Hundred Million Dollars (\$300,000,000.00) from private or United States government sources together with all buildings, and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation of the enterprise; or with an initial capital investment of not less than One Hundred Fifty Million Dollars (\$150,000,000.00) from private or United States government sources together with all buildings and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation of the enterprise and which creates at least one thousand (1,000) net new full-time jobs; or which creates at least one thousand (1,000) net new full-time jobs which provides an average salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the most recently published average annual wage of the state as determined by the Mississippi Department of Employment Security. "Project" shall include any addition to or expansion of an existing enterprise if such addition or expansion has an initial capital investment of not less than Three Hundred Million Dollars (\$300,000,000.00) from private or United States government sources, or has an initial capital investment of not less than One Hundred Fifty Million Dollars (\$150,000,000.00) from private or United States government sources together with all buildings and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation of the enterprise and which creates at least one thousand (1,000) net new

full-time jobs; or which creates at least one thousand (1,000) net new full-time jobs which provides an average salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the most recently published average annual wage of the state as determined by the Mississippi Department of Employment Security. "Project" shall also include any ancillary development or business resulting from the enterprise, of which the authority is notified, within three (3) years from the date that the enterprise entered into commercial production, that the project area has been selected as the site for the ancillary development or business.

(ii) 1. Any major capital project designed to improve, expand or otherwise enhance any active duty or reserve United States armed services bases and facilities or any major Mississippi National Guard training installations, their support areas or their military operations, upon designation by the authority that any such base was or is at risk to be recommended for closure or realignment pursuant to the Defense Base Closure and Realignment Act of 1990, as amended, or other applicable federal law; or any major development project determined by the authority to be necessary to acquire or improve base properties and to provide employment opportunities through construction of projects as defined in Section 57-3-5, which shall be located on or provide direct support service or access to such military installation property in the event of closure or reduction of military operations at the installation.

2. Any major study or investigation related to such a facility, installation or base, upon a determination by the authority that the study or investigation is critical to the expansion, retention or reuse of the facility, installation or base.

3. Any project as defined in Section 57-3-5, any business or enterprise determined to be in the furtherance of

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the public purposes of this act as determined by the authority or any facility related to such project each of which shall be, directly or indirectly, related to any military base or other military-related facility no longer operated by the United States armed services or the Mississippi National Guard.

(iii) Any enterprise to be maintained, improved or constructed in Tishomingo County by or for a National Aeronautics and Space Administration facility in such county.

(iv) 1. Any major capital project with an initial capital investment from private sources of not less than Seven Hundred Fifty Million Dollars (\$750,000,000.00) which will create at least three thousand (3,000) jobs meeting criteria established by the Mississippi Development Authority.

2. "Project" shall also include any ancillary development or business resulting from an enterprise operating a project as defined in item 1 of this paragraph (f)(iv), of which the authority is notified, within three (3) years from the date that the enterprise entered into commercial production, that the state has been selected as the site for the ancillary development or business.

(v) Any manufacturing, processing or industrial project determined by the authority, in its sole discretion, to contribute uniquely and significantly to the economic growth and development of the state, and which meets the following criteria:

1. The project shall create at least two thousand (2,000) net new full-time jobs meeting criteria established by the authority, which criteria shall include, but not be limited to, the requirement that such jobs must be held by persons eligible for employment in the United States under applicable state and federal law.

2. The project and any facility related to the project shall include a total investment from private sources of not less than Sixty Million Dollars (\$60,000,000.00), or from

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any combination of sources of not less than Eighty Million Dollars (\$80,000,000.00).

(vi) Any real property owned or controlled by the National Aeronautics and Space Administration, the United States government, or any agency thereof, which is legally conveyed to the State of Mississippi or to the State of Mississippi for the benefit of the Mississippi Major Economic Impact Authority, its successors and assigns pursuant to Section 212 of Public Law 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

(vii) Any major capital project related to the establishment, improvement, expansion and/or other enhancement of any active duty military installation and having a minimum capital investment from any source or combination of sources other than the State of Mississippi of at least Forty Million Dollars (\$40,000,000.00), and which will create at least four hundred (400) military installation related full-time jobs, which jobs may be military jobs, civilian jobs or a combination of military and civilian jobs. The authority shall require that binding commitments be entered into requiring that the minimum requirements for the project provided for in this subparagraph shall be met not later than July 1, 2008.

(viii) Any major capital project with an initial capital investment from any source or combination of sources of not less than Ten Million Dollars (\$10,000,000.00) which will create at least eighty (80) full-time jobs which provide an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred thirty-five percent (135%) of the most recently published average annual wage of the state or the most recently published average annual wage of the county in which the project is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The authority shall require that binding commitments be entered into requiring that:

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1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(ix) Any regional retail shopping mall with an initial capital investment from private sources in excess of One Hundred Fifty Million Dollars (\$150,000,000.00), with a square footage in excess of eight hundred thousand (800,000) square feet, which will create at least seven hundred (700) full-time jobs with an average hourly wage of Eleven Dollars (\$11.00) per hour. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(x) Any major capital project with an initial capital investment from any source or combination of sources of not less than Seventy-five Million Dollars (\$75,000,000.00) which will create at least one hundred twenty-five (125) full-time jobs which provide an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred thirty-five percent (135%) of the most recently published average annual wage of the state or the most recently published average annual wage of the county in which the project is located as determined by the Mississippi Department of Employment Security, whichever is the greater. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

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2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xi) Any potential major capital project that the authority has determined is feasible to recruit.

(xii) Any project built according to the specifications and federal provisions set forth by the National Aeronautics and Space Administration Center Operations Directorate at Stennis Space Center for the purpose of consolidating common services from National Aeronautics and Space Administration centers in human resources, procurement, financial management and information technology located on land owned or controlled by the National Aeronautics and Space Administration, which will create at least four hundred seventy (470) full-time jobs.

(xiii) Any major capital project with an initial capital investment from any source or combination of sources of not less than Ten Million Dollars (\$10,000,000.00) which will create at least two hundred fifty (250) full-time jobs. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xiv) Any major pharmaceutical facility with a capital investment of not less than Fifty Million Dollars (\$50,000,000.00) made after July 1, 2002, through four (4) years after the initial date of any loan or grant made by the authority for such project, which will maintain at least seven hundred fifty (750) full-time employees. The authority shall require that binding commitments be entered into requiring that:

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1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xv) Any pharmaceutical manufacturing, packaging and distribution facility with an initial capital investment from any local or federal sources of not less than Five Hundred Thousand Dollars (\$500,000.00) which will create at least ninety (90) full-time jobs. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xvi) Any major industrial wood processing facility with an initial capital investment of not less than One Hundred Million Dollars (\$100,000,000.00) which will create at least one hundred twenty-five (125) full-time jobs which provide an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least Thirty Thousand Dollars (\$30,000.00). The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xvii) Any technical, engineering, manufacturing-logistic service provider with an initial capital investment of not less than One Million Dollars (\$1,000,000.00) which will create at least ninety (90) full-time jobs. The

authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xviii) Any major capital project with an initial capital investment from any source or combination of sources other than the State of Mississippi of not less than Six Hundred Million Dollars (\$600,000,000.00) which will create at least four hundred fifty (450) full-time jobs with an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least Seventy Thousand Dollars (\$70,000.00). The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xix) Any major coal and/or petroleum coke gasification project with an initial capital investment from any source or combination of sources other than the State of Mississippi of not less than Eight Hundred Million Dollars (\$800,000,000.00), which will create at least two hundred (200) full-time jobs with an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least Forty-five Thousand Dollars (\$45,000.00). The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xx) Any planned mixed use development located on not less than four thousand (4,000) acres of land that will consist of commercial, recreational, resort, tourism and residential development with a capital investment from private sources of not less than Four Hundred Seventy-five Million Dollars (\$475,000,000.00) in the aggregate in any one (1) or any combination of tourism projects that will create at least three thousand five hundred (3,500) jobs in the aggregate. For the purposes of this paragraph (f)(xx), the term "tourism project" means and has the same definition as that term has in Section 57-28-1. In order to meet the minimum capital investment required under this paragraph (f)(xx), at least Two Hundred Thirty-seven Million Five Hundred Thousand Dollars (\$237,500,000.00) of such investment must be made not later than June 1, 2015, and the remainder of the minimum capital investment must be made not later than June 1, 2017. In order to meet the minimum number of jobs required to be created under this paragraph (f)(xx), at least one thousand seven hundred fifty (1,750) of such jobs must be created not later than June 1, 2015, and the remainder of the jobs must be created not later than June 1, 2017. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xxi) Any enterprise owning or operating an automotive manufacturing and assembly plant and its affiliates for which construction begins after March 2, 2007, and not later than December 1, 2007, with an initial capital investment from private

sources of not less than Five Hundred Million Dollars (\$500,000,000.00) which will create at least one thousand five hundred (1,500) jobs meeting criteria established by the authority, which criteria shall include, but not be limited to, the requirement that such jobs must be held by persons eligible for employment in the United States under applicable state and federal law. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xxii) Any enterprise owning or operating a major powertrain component manufacturing and assembly plant for which construction begins after May 11, 2007, and not later than December 1, 2007, with an initial capital investment from private sources of not less than Three Hundred Million Dollars (\$300,000,000.00) which will create at least five hundred (500) new full-time jobs meeting criteria established by the authority, which criteria shall include, but not be limited to, the requirement that such jobs must be held by persons eligible for employment in the United States under applicable state and federal law, and the requirement that the average annual wages and taxable benefits of such jobs shall be at least one hundred twenty-five percent (125%) of the most recently published average annual wage of the state or the most recently published average annual wage of the county in which the project is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

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2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xxiii) Any biological and agricultural defense project operated by an agency of the government of the United States with an initial capital investment of not less than Four Hundred Fifty Million Dollars (\$450,000,000.00) from any source other than the State of Mississippi and its subdivisions, which will create at least two hundred fifty (250) new full-time jobs. All jobs created by the project must be held by persons eligible for employment in the United States under applicable state and federal law.

(xxiv) Any enterprise owning or operating an existing tire manufacturing plant which adds to such plant capital assets of not less than Twenty-five Million Dollars (\$25,000,000.00) after January 1, 2009, and that maintains at least one thousand two hundred (1,200) full-time jobs in this state at one (1) location with an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least Forty-five Thousand Dollars (\$45,000.00). The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xxv) Any enterprise owning or operating a facility for the manufacture of composite components for the aerospace industry which will have an investment from private sources of not less than One Hundred Seventy-five Million Dollars (\$175,000,000.00) by not later than December 31, 2015, and which will result in the full-time employment at the project site of not

less than two hundred seventy-five (275) persons by December 31, 2011, and not less than four hundred twenty-five (425) persons by December 31, 2013, and not less than eight hundred (800) persons by December 31, 2017, all with an average annual compensation, excluding benefits which are not subject to Mississippi income taxes, of at least Fifty-three Thousand Dollars (\$53,000.00). The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xxvi) Any enterprise owning or operating a facility for the manufacture of pipe which will have an investment from any source other than the State of Mississippi and its subdivisions of not less than Three Hundred Million Dollars (\$300,000,000.00) by not later than December 31, 2015, and which will create at least five hundred (500) new full-time jobs within five (5) years after the start of commercial production and maintain such jobs for at least ten (10) years, all with an average annual compensation, excluding benefits which are not subject to Mississippi income taxes, of at least Thirty-two Thousand Dollars (\$32,000.00). The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xxvii) Any enterprise owning or operating a facility for the manufacture of solar panels which will have an investment from any source other than the State of Mississippi and

its subdivisions of not less than One Hundred Thirty-two Million Dollars (\$132,000,000.00) by not later than December 31, 2015, and which will create at least five hundred (500) new full-time jobs within five (5) years after the start of commercial production and maintain such jobs for at least ten (10) years, all with an average annual compensation, excluding benefits which are not subject to Mississippi income taxes, of at least Thirty-four Thousand Dollars (\$34,000.00). The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and

2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(g) (i) "Project area" means the project site, together with any area or territory within the state lying within sixty-five (65) miles of any portion of the project site whether or not such area or territory be contiguous; however, for the project defined in paragraph (f)(iv) of this section the term "project area" means any area or territory within the state. The project area shall also include all territory within a county if any portion of such county lies within sixty-five (65) miles of any portion of the project site. "Project site" means the real property on which the principal facilities of the enterprise will operate. The provisions of this subparagraph (i) shall not apply to a project as defined in paragraph (f)(xxi) of this section.

(ii) For the purposes of a project as defined in paragraph (f)(xxi) of this section, the term "project area" means the acreage authorized in the certificate of convenience and necessity issued by the Mississippi Development Authority to a regional economic development alliance under Section 57-64-1 et seq.

(h) "Public agency" means:

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(i) Any department, board, commission, institution or other agency or instrumentality of the state;

(ii) Any city, town, county, political subdivision, school district or other district created or existing under the laws of the state or any public agency of any such city, town, county, political subdivision or district or any other public entity created or existing under local and private legislation;

(iii) Any department, commission, agency or instrumentality of the United States of America; and

(iv) Any other state of the United States of America which may be cooperating with respect to location of the project within the state, or any agency thereof.

(i) "State" means State of Mississippi.

(j) "Fee-in-lieu" means a negotiated fee to be paid by the project in lieu of any franchise taxes imposed on the project by Chapter 13, Title 27, Mississippi Code of 1972. The fee-in-lieu shall not be less than Twenty-five Thousand Dollars (\$25,000.00) annually. A fee-in-lieu may be negotiated with an enterprise operating an existing project defined in Section 57-75-5(f)(iv)1; however, a fee-in-lieu shall not be negotiated for other existing enterprises that fall within the definition of the term "project."

(k) "Affiliate" means a subsidiary or related business entity which shares a common direct or indirect ownership with the enterprise owning or operating a project as defined in Section 57-75-5(f)(xxi). The subsidiary or related business must provide services directly related to the core activities of the project.

(l) "Tier One supplier" means a supplier of a project as defined in Section 57-75-5(f)(xxi) that is certified by the enterprise owning the project and creates a minimum of fifty (50) new full-time jobs.

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SECTION 55. Section 57-80-7, Mississippi Code of 1972, is reenacted as follows:

57-80-7. (1) From and after December 31, 2000, and until December 31, 2012, the following counties may apply to the MDA for the issuance of a certificate of public convenience and necessity:

(a) Any county of this state which has an annualized unemployment rate that is at least two hundred percent (200%) of the state's unemployment rate as of December 31 of any year from 2000 through 2012, as determined by the Mississippi Department of Employment Security's most recently published data;

(b) Any county of this state in which thirty percent (30%) or more of the population of the county is at or below the federal poverty level according to the official data compiled by the United States Census Bureau as of August 30, 2000, for counties that apply before December 31, 2002, or the most recent official data compiled by the United States Census Bureau for counties that apply from and after December 31, 2002; or

(c) Any county of this state having an eligible supervisors district.

(2) The application, at a minimum, must contain (a) the Mississippi Department of Employment Security's most recently published figures that reflect the annualized unemployment rate of the applying county as of December 31 or the most recent official data by the United States Census Bureau required by subsection (1) of this section, as the case may be, and (b) an order or resolution of the county consenting to the designation of the county as a growth and prosperity county.

(3) Any municipality of a designated growth and prosperity county or within an eligible supervisors district and not more than eight (8) miles from the boundary of the county that meets the criteria of subsection (1)(b) of this section may by order or resolution of the municipality consent to participation in the Growth and Prosperity Program.

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(4) No incentive or tax exemption shall be given under this chapter without the consent of the affected county or municipality.

SECTION 56. Section 69-2-5, Mississippi Code of 1972, is reenacted as follows:

69-2-5. (1) The Mississippi Cooperative Extension Service shall act as a clearinghouse for the dissemination of information regarding programs and services which may be available to help those persons and businesses which have been adversely affected by the present emergency in the agricultural community. The Cooperative Extension Service shall develop a plan of assistance which shall identify all programs and services available within the state which can be of assistance to those affected by the present emergency. The Department of Agriculture and Commerce, Department of Finance and Administration, Department of Human Services, Department of Mental Health, State Department of Health, Board of Trustees of State Institutions of Higher Learning, State Board for Community and Junior Colleges, Research and Development Center, Mississippi Development Authority, Department of Employment Security, Office of the Governor, Board of Vocational and Technical Education, Mississippi Authority for Educational Television, and other agencies of the state which have programs and services that can be of assistance to those affected by the present emergency, shall provide information regarding their programs and services to the Cooperative Extension Service for use in the clearinghouse. The types of programs and services shall include, but not be limited to, financial counseling, farm and small business management, employment services, labor market information, job retraining, vocational and technical training, food stamp programs, personal counseling, health services, and free or low cost legal services. The clearinghouse shall provide a single contact point to provide program information and referral services to individuals interested or needing services from

state-funded assistance programs affecting agriculture, horticulture, aquaculture and other agribusinesses or related industries. Such assistance information shall identify all monies available under the Small Business Financing Act, the Business Investment Act, the Emerging Crops Fund legislation and any other sources which may be used singularly or combined, to provide a comprehensive financing package. The provisions of this section in establishing a single contact point for information and referral services shall not be construed to authorize the hiring of additional personnel.

(2) The Cooperative Extension Service may accept monetary or in-kind contributions, gifts and grants for the establishment or operation of the clearinghouse.

(3) The Cooperative Extension Service shall establish a method for the dissemination of information to those who can be benefited by the existing programs and services of the state.

(4) The Cooperative Extension Service shall file an annual report with the Governor, Lieutenant Governor and Speaker of the House of Representatives regarding the efforts which have been made in the clearinghouse operation. The report shall also recommend any additional measures, including legislation, which may be needed or desired in providing programs and benefits to those affected by the agricultural emergency.

SECTION 57. Section 7-1-355, Mississippi Code of 1972, is reenacted as follows:

7-1-355. (1) The Mississippi Department of Employment Security, Office of the Governor, is designated as the sole administrator of all programs for which the state is the prime sponsor under Title 1(B) of Public Law 105-220, Workforce Investment Act of 1998, and the regulations promulgated thereunder, and may take all necessary action to secure to this state the benefits of that legislation. The Mississippi Department of Employment Security, Office of the Governor, may

receive and disburse funds for those programs that become available to it from any source.

(2) The Mississippi Department of Employment Security, Office of the Governor, shall establish guidelines on the amount and/or percentage of indirect and/or administrative expenses by the local fiscal agent or the Workforce Development Center operator. The Mississippi Department of Employment Security, Office of the Governor, shall develop an accountability system and make an annual report to the Legislature before December 31 of each year on Workforce Investment Act activities. The report shall include, but is not limited to, the following:

(a) The total number of individuals served through the Workforce Development Centers and the percentage and number of individuals for which a quarterly follow-up is provided;

(b) The number of individuals who receive core services by each center;

(c) The number of individuals who receive intensive services by each center;

(d) The number of Workforce Investment Act vouchers issued by the Workforce Development Centers including:

(i) A list of schools and colleges to which these vouchers were issued and the average cost per school of the vouchers; and

(ii) A list of the types of programs for which these vouchers were issued;

(e) The number of individuals placed in a job through Workforce Development Centers;

(f) The monies and the amount retained for administrative and other costs received from Workforce Investment Act funds for each agency or organization that Workforce Investment Act funds flow through as a percentage and actual dollar amount of all Workforce Investment Act funds received.

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SECTION 58. Section 60, Chapter 572, Laws of 2004, as amended by Section 58, Chapter 30, Laws of the First Extraordinary Session of 2008, as amended by Section 58, Chapter 559, Laws of 2010 Regular Session, as amended by Section 59, Chapter 471, Laws of 2011, is amend as follows:

Section 60. This act shall stand repealed on July 1, 2019.

SECTION 59. The following shall be codified as Section 71-5-545, Mississippi Code of 1972:

71-5-545. **Self-Employment Assistance Program.** (1)

Definitions. As used in this section:

(a) "Self-employment assistance activities" means activities (including entrepreneurial training, business counseling, technical assistance and any other requirements set forth by the executive director in regulation) approved by the executive director in which an individual, identified through an established system consistent with the system requirements of Section 303(j) (1) (A) of the Social Security Act (SSA) as likely to exhaust regular unemployment benefits, participates for the purpose of establishing a business and becoming self-employed.

(b) "Self-employment assistance allowance" means an allowance, payable in lieu of, and on the same schedule as, regular benefits and from the unemployment fund established under Section 71-5-451, to an individual participating in self-employment assistance activities who meets the requirements of this section.

(c) "Regular benefits" means benefits payable to an individual under this act (including benefits payable to Federal civilian employees and to ex-service members pursuant to 5 USC Chapter 85) excluding emergency unemployment benefits and extended benefits.

(d) "Full-time basis" shall have the meaning contained in regulations prescribed by the executive director who has authority to set, modify and rescind such regulations as are

required for the proper and efficient administration of this section.

(e) "SEAP" means the Self-Employment Assistance Program.

(2) **Amount of self-employment assistance allowance.** The weekly allowance payable under this section to an individual shall be equal to the weekly benefit amount for regular benefits otherwise payable under Section 71-5-503.

The sum of (a) the allowance paid under this section, and (b) regular benefits paid under this act with respect to any benefit year shall not exceed the maximum benefit amount as established by Section 71-5-507 with respect to such benefit year.

(3) **Eligibility for self-employment assistance allowance.** The allowance described in subsection (1) of this section shall be payable to an individual at the same interval, on the same terms, and subject to the same conditions as regular benefits under this act, except that:

(a) The requirements of Sections 71-5-511 and 71-5-513 relating to availability for work, active search for work, and refusal to accept work are not applicable to an individual while engaged in establishment of a business;

(b) The requirements of Section 71-5-505 relating to other earnings are not applicable to income earned from self-employment by such individual while engaged in establishment of a business;

(c) An individual who meets the requirements of this section shall be considered to be unemployed under Section 71-5-501 et seq.; and

(d) An individual who fails to participate in self-employment assistance activities as prescribed by this section or by the executive director, or who fails to actively engage on a full-time basis in activities (which may include training) relating to the establishment of a business and becoming

self-employed, shall be disqualified for any week in which the failure occurs.

(4) **Limitation on receipt of self-employment assistance allowances.** The aggregate number of individuals receiving the allowance under this section at any time shall not exceed five percent (5%) of the number of individuals receiving regular benefits as defined in Section 71-5-541.

(5) **Steering committee membership.** The executive director shall appoint a steering committee. Each member of the steering committee shall have equal voting rights on the SEAP Steering Committee. The voting members of the board who are not state employees or state elected officials shall be entitled to reimbursement of their reasonable expenses incurred in carrying out their duties under this chapter, from any funds available for that purpose.

(6) **Steering committee purpose.** The steering committee shall initially adopt the rules of operation for the SEAP and shall select and certify SEAP training programs. The rules shall be enforced by the department. Rules shall include the continuing role of the steering committee. Participants in training programs that are not certified by the SEAP shall not be paid SEAP benefits and any benefits paid to them shall be considered overpaid and shall be due to be repaid to the department and the Unemployment Trust Fund.

(7) **Rules and regulations for operation of SEAP by the Mississippi Department of Employment Security.** The executive director shall cause regulations adopted by the SEAP Steering Committee to be adopted by the department and the executive director may adopt other regulations as necessary for proper administration of this section.

(8) **Financing costs of self-employment assistance allowances.** Allowances paid under this section shall not be charged to employers as provided under provisions of this chapter

relating to the noncharging of regular benefits as defined in Section 71-5-541, and shall be used in the computation of the annual unemployment tax rate as noncharges for receipt of unemployment benefits paid by this chapter. Noncharging provisions do not apply to unemployment compensation for federal employees, unemployment compensation for ex-servicemen or unemployment compensation paid to individuals based upon their wages earned with reimbursing employers, except as allowed by Section 71-5-357(b)(iv). In the event federal regulations allow changes to noncharging provisions associated with the SEAP, regulations may be adopted by the SEAP Steering Committee to make such changes as are reasonable and appropriate to the Mississippi program and charging or not charging of SEAP benefits.

(9) **Federal law and regulations.** Nothing in this section or the rules adopted related to this section or any other provision of this chapter is intended to be inconsistent with laws and regulations prescribed by the United States Department of Labor. Any part of this section or this chapter that is determined to not be in conformity with United State Department of labor regulations and applicable federal laws will not be enforced until such time as the deficiencies can be remedied.

(10) **Effective date and termination date.** The provisions of this section will apply to weeks beginning on or after the first Sunday sixty (60) days following passage, or after any plan required by the United States Department of Labor is approved by such department, whichever date is later. The authority provided by this section shall terminate as of the end of the week preceding the date when federal law no longer authorizes the provisions of this section, unless such date is a Saturday in which case the authority shall terminate as of such date.

SECTION 60. Section 71-5-355, Mississippi Code of 1972, is amended as follows:

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71-5-355. (1) As used in this section, the following words and phrases shall have the following meanings, unless the context clearly requires otherwise:

(a) "Tax year" means any period beginning on January 1 and ending on December 31 of a year.

(b) "Computation date" means June 30 of any calendar year immediately preceding the tax year during which the particular contribution rates are effective.

(c) "Effective date" means January 1 of the tax year.

(d) Except as hereinafter provided, "payroll" means the total of all wages paid for employment by an employer as defined in Section 71-5-11, subsection I, plus the total of all remuneration paid by such employer excluded from the definition of wages by Section 71-5-351. For the computation of modified rates, "payroll" means the total of all wages paid for employment by an employer as defined in Section 71-5-11, subsection I.

(e) For the computation of modified rates, "eligible employer" means an employer whose experience-rating record has been chargeable with benefits throughout the thirty-six (36) consecutive calendar-month period ending on the computation date, except that any employer who has not been subject to the Mississippi Employment Security Law for a period of time sufficient to meet the thirty-six (36) consecutive calendar-month requirement shall be an eligible employer if his experience-rating record has been chargeable throughout not less than the twelve (12) consecutive calendar-month period ending on the computation date. No employer shall be considered eligible for a contribution rate less than five and four-tenths percent (5.4%) with respect to any tax year, who has failed to file any two (2) quarterly reports within the qualifying period by September 30 following the computation date. No employer or employing unit shall be eligible for a contribution rate of less than five and four-tenths percent (5.4%) for the tax year in which the employing unit is found by

the department to be in violation of Section 71-5-19(2) or (3) and for the next two (2) succeeding tax years. No representative of such employing unit who was a party to a violation as described in Section 71-5-19(2) or (3), if such representative was or is an employing unit in this state, shall be eligible for a contribution rate of less than five and four-tenths percent (5.4%) for the tax year in which such violation was detected by the department and for the next two (2) succeeding tax years.

(f) With respect to any tax year, "reserve ratio" means the ratio which the total amount available for the payment of benefits in the Unemployment Compensation Fund, excluding any amount which has been credited to the account of this state under Section 903 of the Social Security Act, as amended, and which has been appropriated for the expenses of administration pursuant to Section 71-5-457 whether or not withdrawn from such account, on October 31 (close of business) of each calendar year bears to the aggregate of the taxable payrolls of all employers for the twelve (12) calendar months ending on June 30 next preceding.

(g) "Modified rates" means the rates of employer contributions determined under the provisions of this chapter and the rates of newly subject employers, as provided in Section 71-5-353.

(h) For the computation of modified rates, "qualifying period" means a period of not less than the thirty-six (36) consecutive calendar months ending on the computation date throughout which an employer's experience-rating record has been chargeable with benefits; except that with respect to any eligible employer who has not been subject to this article for a period of time sufficient to meet the thirty-six (36) consecutive calendar-month requirement, "qualifying period" means the period ending on the computation date throughout which his experience-rating record has been chargeable with benefits, but in no event less than the twelve (12) consecutive calendar-month

period ending on the computation date throughout which his experience-rating record has been so chargeable.

(i) The "exposure criterion" (EC) is defined as the cash balance of the Unemployment Compensation Fund which is available for the payment of benefits as of November 16 of each calendar year or the next working day if November 16 falls on a holiday or a weekend, divided by the total wages, exclusive of wages paid by all state agencies, all political subdivisions, reimbursable nonprofit corporations, and tax-exempt public service employment, for the twelve-month period ending June 30 immediately preceding such date. The EC shall be computed to four (4) decimal places and rounded up if any fraction remains.

(j) The "cost rate criterion" (CRC) is defined as follows: Beginning with January 1974, the benefits paid for the twelve-month period ending December 1974 are summed and divided by the total wages for the twelve-month period ending on June 30, 1975. Similar ratios are computed by subtracting the earliest month's benefit payments and adding the benefits of the next month in the sequence and dividing each sum of twelve (12) months' benefits by the total wages for the twelve-month period ending on the June 30 which is nearest to the final month of the period used to compute the numerator. If December is the final month of the period used to compute the numerator, then the twelve-month period ending the following June 30 will be used for the denominator. Benefits and total wages used in the computation of the cost rate criterion shall exclude all benefits and total wages applicable to state agencies, political subdivisions, reimbursable nonprofit corporations, and tax-exempt PSE employment.

The CRC shall be computed as the average for the highest monthly value of the cost rate criterion computations during each of the economic cycles since the calendar year 1974 as defined by the National Bureau of Economic Research. The CRC shall be

computed to four (4) decimal places and any remainder shall be rounded up.

The CRC shall be adjusted only through annual computations and additions of future economic cycles.

(k) "Size of fund index" (SOFI) is defined as the ratio of the exposure criterion (EC) to the cost rate criterion (CRC). For years following December 31, 2009, the target size of fund index will be fixed at 1.0. If the insured unemployment rate (IUR) exceeds a four and five-tenths percent (4.5%) average for the most recent completed July to June period, the target SOFI will be .8 and will remain at that level until the computed SOFI (the average exposure criterion of the current year and the preceding year divided by the average cost rate criterion) equals 1.0 or the average IUR falls to four and five-tenths percent (4.5%) or less for any period July to June. However, if the IUR falls below two and five-tenths percent (2.5%) for any period July to June the target SOFI shall be 1.2 until such time as the computed SOFI is equal to or greater than 1.0 or the IUR is equal to or greater than two and five-tenths percent (2.5%), at which point the target SOFI shall return to 1.0.

(1) No employer's contribution rate shall exceed five and four-tenths percent (5.4%), nor be less than four-tenths of one percent (.4%). However, from and after January 1, 2005, through December 31, 2009, no employer's unemployment contribution rate shall be less than one-tenth of one percent (.1%). For years subsequent to calendar year 2010 the general experience rate in no event shall be less than two-tenths of one percent (.2%). For any year the general experience rate computes as an amount less than two-tenths of one percent (.2%) the general experience rate shall be established at two-tenths of one percent (.2%). From and after January 1, 2012, accrual rules shall apply for purposes of computing contribution rates including associated functions.

(m) The term "general experience rate" has the same meaning as the minimum tax rate.

(2) Modified rates:

(a) For any tax year, when the reserve ratio on the preceding November 16, in the case of any tax year, equals or exceeds three percent (3%), the modified rates, as hereinafter prescribed, shall be in effect. In computation of this reserve ratio, any remainder shall be rounded down.

(b) Modified rates shall be determined for the tax year for each eligible employer on the basis of his experience-rating record in the following manner:

(i) The department shall maintain an experience-rating record for each employer. Nothing in this chapter shall be construed to grant any employer or individuals performing services for him any prior claim or rights to the amounts paid by the employer into the fund.

(ii) Benefits paid to an eligible individual shall be charged against the experience-rating record of his base period employers in the proportion to which the wages paid by each base period employer bears to the total wages paid to the individual by all the base period employers, provided that benefits shall not be charged to an employer's experience-rating record if the department finds that the individual:

1. Voluntarily left the employ of such employer without good cause attributable to the employer;

2. Was discharged by such employer for misconduct connected with his work;

3. Refused an offer of suitable work by such employer without good cause, and the department further finds that such benefits are based on wages for employment for such employer prior to such voluntary leaving, discharge or refusal of suitable work, as the case may be;

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4. Had base period wages which included wages for previously uncovered services as defined in Section 71-5-511(e) to the extent that the Unemployment Compensation Fund is reimbursed for such benefits pursuant to Section 121 of Public Law 94-566;

5. Extended benefits paid under the provisions of Section 71-5-541 which are not reimbursable from federal funds shall be charged to the experience-rating record of base period employers;

6. Is still working for such employer on a regular part-time basis under the same employment conditions as hired. Provided, however, that benefits shall be charged against an employer if an eligible individual is paid benefits who is still working for such employer on a part-time "as-needed" basis;

7. Was hired to replace a United States serviceman or servicewoman called into active duty and was laid off upon the return to work by that serviceman or servicewoman, unless such employer is a state agency or other political subdivision or instrumentality of the state;

8. Was paid benefits during any week while in training with the approval of the department, under the provisions of Section 71-5-513B, or for any week while in training approved under Section 236(a)(1) of the Trade Act of 1974, under the provisions of Section 71-5-513C; or

9. Is not required to serve the one-week waiting period as described in Section 71-5-505(2). In that event, only the benefits paid in lieu of the waiting period week may be noncharged.

(iii) The department shall compute a benefit ratio for each eligible employer, which shall be the quotient obtained by dividing the total benefits charged to his experience-rating record during the period his experience-rating record has been chargeable, but not less than the twelve (12) consecutive

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calendar-month period nor more than the thirty-six (36) consecutive calendar-month period ending on the computation date, by his total taxable payroll for the same period on which all contributions due have been paid on or before the September 30 immediately following the computation date. Such benefit ratio shall be computed to the tenth of a percent (.1%), rounding any remainder to the next higher tenth.

The following table shall be applied to reduce contribution rates from and after January 1, 2005, through December 31, 2009, and is not intended for use for any rate years subsequent to December 31, 2009:

Benefit Ratio	Individual Experience Rate:
0.0%	- 0.3%
0.1	- 0.2
0.2	- 0.10
0.3	0.0
0.4	0.1
0.5	0.2
0.6	0.3
0.7	0.4
0.8	0.5
0.9	0.6
1.0	0.7
1.1	0.8
1.2	0.9
1.3	1.0
1.4	1.1
1.5	1.2
1.6	1.3
1.7	1.4
1.8	1.5
1.9	1.6
2.0	1.7

2.1	1.8
2.2	1.9
2.3	2.0
2.4	2.1
2.5	2.2
2.6	2.3
2.7	2.4
2.8	2.5
2.9	2.6
3.0	2.7
3.1	2.8
3.2	2.9
3.3	3.0
3.4	3.1
3.5	3.2
3.6	3.3
3.7	3.4
3.8	3.5
3.9	3.6
4.0	3.7
4.1	3.8
4.2	3.9
4.3	4.0
4.4	4.1
4.5	4.2
4.6	4.3
4.7	4.4
4.8	4.5
4.9	4.6
5.0	4.7
5.1	4.8
5.2	4.9
5.3	5.0

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5.4	5.1
5.5	5.2
5.6	5.3
5.7 and above	5.4

(iv) 1. The unemployment insurance contribution rate for each eligible employer shall be the sum of two (2) rates: his individual experience rate in the range from zero percent (0%) to five and four-tenths percent (5.4%), plus a general experience rate. In no event shall the resulting rate be in excess of five and four-tenths percent (5.4%), however, it is the intent of this section to provide the ability for employers to have a tax rate, the general experience rate plus the individual experience rate, of up to five and four-tenths percent (5.4%).

2. The employer's individual experience rate shall be equal to his benefit ratio as computed under subsection (2)(b)(iii) above.

3. The general experience rate shall be determined in the following manner: The department shall determine annually, for the thirty-six (36) consecutive calendar-month period ending on the computation date, the amount of benefits which were not charged to the record of any employer and of benefits which were ineffectively charged to the employer's experience-rating record. For the purposes of this item 3, the term "ineffectively charged benefits" shall include:

a. The total of the amounts of benefits charged to the experience-rating records of all eligible employers which caused their benefit ratios to exceed five and four-tenths percent (5.4%);

b. The total of the amounts of benefits charged to the experience-rating records of all ineligible employers which would cause their benefit ratios to exceed five and four-tenths percent (5.4%) if they were eligible employers; and

c. The total of the amounts of benefits charged or chargeable to the experience-rating record of any employer who has discontinued his business or whose coverage has been terminated within such period; provided, that solely for the purposes of determining the amounts of ineffectively charged benefits as herein defined, a "benefit ratio" shall be computed for each ineligible employer, which shall be the quotient obtained by dividing the total benefits charged to his experience-rating record throughout the period ending on the computation date, during which his experience-rating record has been chargeable with benefits, by his total taxable payroll for the same period on which all contributions due have been paid on or before the September 30 immediately following the computation date; and provided further, that such benefit ratio shall be computed to the tenth of one percent (.1%) and any remainder shall be rounded to the next higher tenth.

The ratio of the sum of these amounts (subsection (2)(b)(iv)3a, b and c) to the taxable wages paid during the same period divided by all eligible employers whose benefit ratio did not exceed five and four-tenths percent (5.4%), computed to the next higher tenth of one percent (.1%), shall be the general experience rate.

4. The general experience rate shall be adjusted by use of the size of fund index factor. This factor may be positive or negative, and shall be determined as follows: From the target SOFI, as defined in subsection (1)(k) of this section, subtract the simple average of the current and preceding years' exposure criterions divided by the cost rate criterion, as defined in subsection (1)(j) of this section. The result is then multiplied by the product of the CRC, as defined in subsection (1)(j) of this section, and total wages for the twelve-month period ending June 30 divided by the taxable wages for the twelve-month period ending June 30. This is the percentage

positive or negative added to the general experience rate. The sum of the general experience rate and the trust fund adjustment factor shall be multiplied by fifty percent (50%) and this product shall be computed to one (1) decimal place, and rounded to the next higher tenth.

5. Notwithstanding any other provisions of subsection (2)(b)(iv), if the general experience rate for any tax year as computed and adjusted on the basis of the size of fund index is a negative percentage, it shall be disregarded and in no year shall the general experience rate be less than two-tenths of one percent (.2%).

6. The department shall include in its annual rate notice to employers a brief explanation of the elements of the general experience rate, and shall include in its regular publications an annual analysis of benefits not charged to the record of any employer, and of the benefit experience of employers by industry group whose benefit ratio exceeds four percent (4%), and of any other factors which may affect the size of the general experience rate.

(v) When any employing unit in any manner succeeds to or acquires the organization, trade, business or substantially all the assets thereof of an employer, excepting any assets retained by such employer incident to the liquidation of his obligations, whether or not such acquiring employing unit was an employer within the meaning of Section 71-5-11, subsection I, prior to such acquisition, and continues such organization, trade or business, the experience-rating and payroll records of the predecessor employer shall be transferred as of the date of acquisition to the successor employer for the purpose of rate determination.

(vi) When any employing unit succeeds to or acquires a distinct and severable portion of an organization, trade or business, the experience-rating and payroll records of

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such portion, if separately identifiable, shall be transferred to the successor upon:

1. The mutual consent of the predecessor and the successor;

2. Approval of the department;

3. Continued operation of the transferred portion by the successor after transfer; and

4. The execution and the filing with the department by the predecessor employer of a waiver relinquishing all rights to have the experience-rating and payroll records of the transferred portion used for the purpose of determining modified rates of contribution for such predecessor.

(vii) If the successor was an employer subject to this chapter prior to the date of acquisition, it shall continue to pay contributions at the rate applicable to it from the date the acquisition occurred until the end of the then current tax year. If the successor was not an employer prior to the date of acquisition, it shall pay contributions at the rate applicable to the predecessor or, if more than one (1) predecessor and the same rate is applicable to both, the rate applicable to the predecessor or predecessors, from the date the acquisition occurred until the end of the then current tax year. If the successor was not an employer prior to the date the acquisition occurred and simultaneously acquires the businesses of two (2) or more employers to whom different rates of contributions are applicable, it shall pay contributions from the date of the acquisition until the end of the current tax year at a rate computed on the basis of the combined experience-rating and payroll records of the predecessors as of the computation date for such tax year. In all cases the rate of contributions applicable to such successor for each succeeding tax year shall be computed on the basis of the combined experience-rating and payroll records of the successor and the predecessor or predecessors.

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(viii) The department shall notify each employer quarterly of the benefits paid and charged to his experience-rating record; and such notification, in the absence of an application for redetermination filed within thirty (30) days after the date of such notice, shall be final, conclusive and binding upon the employer for all purposes. A redetermination, made after notice and opportunity for a fair hearing, by a hearing officer designated by the department who shall consider and decide these and related applications and protests; and the finding of fact in connection therewith may be introduced into any subsequent administrative or judicial proceedings involving the determination of the rate of contributions of any employer for any tax year, and shall be entitled to the same finality as is provided in this subsection with respect to the findings of fact in proceedings to redetermine the contribution rate of an employer.

(ix) The department shall notify each employer of his rate of contribution as determined for any tax year as soon as reasonably possible after September 1 of the preceding year. Such determination shall be final, conclusive and binding upon such employer unless, within thirty (30) days after the date of such notice to his last known address, the employer files with the department an application for review and redetermination of his contribution rate, setting forth his reasons therefor. If the department grants such review, the employer shall be promptly notified thereof and shall be afforded an opportunity for a fair hearing by a hearing officer designated by the department who shall consider and decide these and related applications and protests; but no employer shall be allowed, in any proceeding involving his rate of contributions or contribution liability, to contest the chargeability to his account of any benefits paid in accordance with a determination, redetermination or decision pursuant to Sections 71-5-515 through 71-5-533 except upon the ground that the services on the basis of which such benefits were

found to be chargeable did not constitute services performed in employment for him, and then only in the event that he was not a party to such determination, redetermination, decision or to any other proceedings provided in this chapter in which the character of such services was determined. The employer shall be promptly notified of the denial of this application or of the redetermination, both of which shall become final unless, within ten (10) days after the date of notice thereof, there shall be an appeal to the department itself. Any such appeal shall be on the record before said designated hearing officer, and the decision of said department shall become final unless, within thirty (30) days after the date of notice thereof to the employer's last known address, there shall be an appeal to the Circuit Court of the First Judicial District of Hinds County, Mississippi, in accordance with the provisions of law with respect to review of civil causes by certiorari.

(3) Notwithstanding any other provision of law, the following shall apply regarding assignment of rates and transfers of experience:

(a) (i) If an employer transfers its trade or business, or a portion thereof, to another employer and, at the time of the transfer, there is substantially common ownership, management or control of the two (2) employers, then the unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom such business is so transferred. The rates of both employers shall be recalculated and made effective on January 1 of the year following the year the transfer occurred.

(ii) If, following a transfer of experience under subparagraph (i) of this paragraph (a), the department determines that a substantial purpose of the transfer of trade or business was to obtain a reduced liability of contributions, then the experience-rating accounts of the employers involved shall be

combined into a single account and a single rate assigned to such account.

(b) Whenever a person who is not an employer or an employing unit under this chapter at the time it acquires the trade or business of an employer, the unemployment experience of the acquired business shall not be transferred to such person if the department finds that such person acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions. Instead, such person shall be assigned the new employer rate under Section 71-5-353. In determining whether the business was acquired solely or primarily for the purpose of obtaining a lower rate of contributions, the department shall use objective factors which may include the cost of acquiring the business, whether the person continued the business enterprise of the acquired business, how long such business enterprise was continued, or whether a substantial number of new employees were hired for performance of duties unrelated to the business activity conducted prior to acquisition.

(c) (i) If a person knowingly violates or attempts to violate paragraph (a) or (b) of this subsection or any other provision of this chapter related to determining the assignment of a contribution rate, or if a person knowingly advises another person in a way that results in a violation of such provision, the person shall be subject to the following penalties:

1. If the person is an employer, then such employer shall be assigned the highest rate assignable under this chapter for the rate year during which such violation or attempted violation occurred and the three (3) rate years immediately following this rate year. However, if the person's business is already at such highest rate for any year, or if the amount of increase in the person's rate would be less than two percent (2%) for such year, then a penalty rate of contributions of two percent (2%) of taxable wages shall be imposed for such year. The penalty

rate will apply to the successor business as well as the related entity from which the employees were transferred in an effort to obtain a lower rate of contributions.

2. If the person is not an employer, such person shall be subject to a civil money penalty of not more than Five Thousand Dollars (\$5,000.00). Each such transaction for which advice was given and each occurrence or reoccurrence after notification being given by the department shall be a separate offense and punishable by a separate penalty. Any such fine shall be deposited in the penalty and interest account established under Section 71-5-114.

(ii) For purposes of this paragraph (c), the term "knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved.

(iii) For purposes of this paragraph (c), the term "violates or attempts to violate" includes, but is not limited to, intent to evade, misrepresentation or willful nondisclosure.

(iv) In addition to the penalty imposed by subparagraph (i) of this paragraph (c), any violation of this subsection may be punishable by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment. This subsection shall prohibit prosecution under any other criminal statute of this state.

(d) The department shall establish procedures to identify the transfer or acquisition of a business for purposes of this subsection.

(e) For purposes of this subsection:

(i) "Person" has the meaning given such term by Section 7701(a)(1) of the Internal Revenue Code of 1986; and

(ii) "Employing unit" has the meaning as set forth in Section 71-5-11.

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(f) This subsection shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the United States Department of Labor.

SECTION 61. Section 60 of this act shall take effect and be in force from and after its passage, and the remainder of this act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

Senate Bill 2622

Description: Federal disaster; contractor awarded public works bid using funds from must review job candidates from Dept. of Employment Security.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 505

History of Actions:

- 1 02/20 (S) Referred To Finance
- 2 03/01 (S) Title Suff Do Pass Comm Sub
- 3 03/12 (S) Committee Substitute Adopted
- 4 03/12 (S) Passed
- 5 03/14 (S) Transmitted To House
- 6 03/22 (H) Referred To Judiciary A
- 7 03/28 (H) Title Suff Do Pass As Amended
- 8 04/04 (H) Amended
- 9 04/04 (H) Passed As Amended
- 10 04/09 (H) Returned For Concurrence
- 11 04/18 (S) Decline to Concur/Invite Conf
- 12 04/19 (S) Motion to Reconsider Entered
- 13 04/20 (S) Reconsidered
- 14 04/20 (S) Concurred in Amend From House
- 15 04/25 (S) Enrolled Bill Signed
- 16 04/25 (H) Enrolled Bill Signed
- 17 05/01 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

[H] Amendment No 1 to Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2622

----- Additional Information -----

Senate Committee: Finance

House Committee: Judiciary A

Principal Author: Tindell

Additional Authors: Gollott, Moran, Wiggins

2012 GENERAL LAWS OF MISSISSIPPI, SB 2622

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Tindell, Gollott, Moran,
Wiggins

To: Finance

SENATE BILL NO. 2622
(As Sent to Governor)

AN ACT TO REQUIRE CONTRACTORS AWARDED BIDS FOR PUBLIC WORKS PROJECTS THAT UTILIZE FUNDS RECEIVED BY STATE OR LOCAL GOVERNMENTAL ENTITIES RESULTING FROM A FEDERALLY DECLARED DISASTER OR A SPILL OF NATIONAL SIGNIFICANCE, INCLUDING DAMAGES, PENALTIES, FINES OR SUPPLEMENTAL PROJECTS PAID OR FINANCED BY RESPONSIBLE PARTIES PURSUANT TO A COURT ORDER, NEGOTIATED SETTLEMENT, OR OTHER INSTRUMENT, INCLUDING UNDER ANY LAW DISTRIBUTING SUCH FINES AND PENALTIES, TO AGREE TO REVIEW INDIVIDUALS SUBMITTED BY THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY FOR VACANT POSITIONS INVOLVING THE PROJECT BEFORE HIRING INDIVIDUALS WHO ARE NOT SUBMITTED BY THE DEPARTMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) All public works projects utilizing funds received by state or local governmental entities resulting from a federally declared disaster or a spill of national significance, including damages, penalties, fines or supplemental projects paid or financed by responsible parties pursuant to a court order, negotiated settlement, or other instrument, including under any law distributing such fines and penalties including the federal Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economy of the Gulf Coast Act of 2011 (R.E.S.T.O.R.E.), the Oil Pollution Act of 1990 or the Federal Water Pollution Control Act or similar legislation, shall be subject to the hiring policies established by this section.

(2) Contractors submitting bids for public works projects financed in whole or in part through the use of funds described in subsection (1) of this section shall submit with their bid an employment plan which shall include the following:

(a) The types of jobs involved in the public works project;

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- (b) The skill level of the jobs involved in the project;
- (c) Wage information on the jobs involved in the project;
- (d) The number of vacant positions that the contractor needs to fill;
- (e) How the contractor will recruit, low wage and unemployed individuals for job vacancies;
- (f) Such other information as may be required by the Mississippi Department of Employment Security; and
- (g) Proof of registration with the Mississippi Department of Employment Security for taxation in accordance with the provisions of Title 71.

(3) When a contractor's bid is accepted, the contractor shall enter into an agreement with the entity that accepted the bid that requires the contractor not to hire any personnel to fill vacant positions necessary for the public works project for a period of ten (10) days after the date of the agreement. During the ten-day period the Mississippi Department of Employment Security shall submit qualified individuals to the contractor to consider for the vacant positions. The contractor shall review the individuals submitted by the department before hiring individuals who are not submitted by the department.

SECTION 2. The Mississippi Department of Employment Security will develop an annual report which tracks data received from contractors. Contractors will cooperate with the Mississippi Department of Employment Security to accumulate relevant data. Collected data and reports are intended solely to allow the Mississippi Department of Employment Security to improve workforce training programs, tailoring trainings to employer needs and hiring trends for in-demand jobs in Mississippi.

SECTION 3. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2012 Regular Session

Senate Bill 2631

Description: Public Safety Verification and Enforcement Act; create.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: ** See Text

Chapter Number: 504

History of Actions:

- 1 02/20 (S) Referred To Insurance;Appropriations
- 2 02/29 (S) DR - TSDPCS: IN To AP
- 3 03/01 (S) Title Suff Do Pass Comm Sub
- 4 03/13 (S) Committee Substitute Adopted
- 5 03/13 (S) Amended
- 6 03/13 (S) Passed As Amended
- 7 03/15 (S) Transmitted To House
- 8 03/19 (H) Referred To Insurance;Appropriations
- 9 03/27 (H) DR - TSDPAA: IN To AP
- 10 04/03 (H) DR - TSDPAA: AP To IN
- 11 04/03 (H) Title Suff Do Pass As Amended
- 12 04/10 (H) Amended
- 13 04/10 (H) Passed As Amended
- 14 04/13 (H) Returned For Concurrence
- 15 04/19 (S) Concurred in Amend From House
- 16 04/25 (S) Enrolled Bill Signed
- 17 04/25 (H) Enrolled Bill Signed
- 18 05/01 Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub) *Adopted*

[H] Committee Amendment No 1 *Adopted*

[H] Amendment No 1 to Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2631

Code Section: A 063-0015-0004

----- Additional Information -----

Senate Committee: Insurance, Appropriations

House Committee: Insurance, Appropriations

Principal Author: Clarke

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Clarke

To: Insurance;
Appropriations

SENATE BILL NO. 2631
(As Sent to Governor)

AN ACT TO CREATE THE PUBLIC SAFETY VERIFICATION AND ENFORCEMENT ACT; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY, IN COOPERATION WITH THE COMMISSIONER OF INSURANCE AND THE DEPARTMENT OF REVENUE, TO CREATE AN ACCESSIBLE COMMON CARRIER-BASED MOTOR VEHICLE INSURANCE VERIFICATION SYSTEM; TO PROVIDE FOR LAW ENFORCEMENT USE OF THE SYSTEM; TO ALLOW INSURERS TO PROVIDE CERTAIN INFORMATION TO BE USED IN THE SYSTEM; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY AND THE DEPARTMENT OF REVENUE TO ADMINISTER AND ENFORCE THE PROVISIONS OF THIS ACT AND REQUIRE THE DEPARTMENTS TO MAKE RULES NECESSARY FOR THE ADMINISTRATION OF THE MOTOR VEHICLE INSURANCE VERIFICATION SYSTEM CREATED UNDER THIS ACT; TO REQUIRE COMPLIANCE WITH THE MOTOR VEHICLE SAFETY-RESPONSIBILITY LAW BEFORE RECEIVING A MOTOR VEHICLE REGISTRATION; TO REQUIRE THE OWNER OF THE MOTOR VEHICLE TO MAINTAIN CONTINUOUS COVERAGE THROUGHOUT THE LICENSE PERIOD; TO REQUIRE THE COMMISSIONER OF PUBLIC SAFETY, THE COMMISSIONER OF REVENUE OR A COURT OF PROPER JURISDICTION TO SUSPEND THE DRIVING PRIVILEGES AND/OR REGISTRATION IF A MOTOR VEHICLE OWNER FAILS TO HAVE THE REQUIRED MOTOR VEHICLE LIABILITY INSURANCE; TO REQUIRE THE COMMISSIONER OF PUBLIC SAFETY, THE COMMISSIONER OF REVENUE OR A COURT OF PROPER JURISDICTION TO IMPOSE CIVIL PENALTIES BECAUSE OF SUCH FAILURE; TO PROVIDE THE REQUIREMENTS FOR REINSTATEMENT OF A SUSPENDED LICENSE OR REGISTRATION; TO PROVIDE THAT MONIES FROM THE CIVIL PENALTIES SHALL BE DEPOSITED INTO A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE UNINSURED MOTORIST IDENTIFICATION FUND; TO PROVIDE THAT CERTAIN MONIES FROM THE CIVIL PENALTIES SHALL BE DEPOSITED INTO A MUNICIPALITY OR COUNTY'S GENERAL FUND; TO PROVIDE THAT MONIES DEPOSITED IN THE SPECIAL FUND MAY BE USED BY THE DEPARTMENT OF PUBLIC SAFETY AND DEPARTMENT OF REVENUE, UPON APPROPRIATION BY THE LEGISLATURE, FOR THE PURPOSE OF DEFRAYING EXPENSES AND COSTS FOR THE MOTOR VEHICLE INSURANCE VERIFICATION SYSTEM; TO PROVIDE THAT MONIES IN THE SPECIAL FUND IN EXCESS OF THE AMOUNT NEEDED TO DEFRAY THE EXPENSES AND COSTS OF THE VERIFICATION SYSTEM REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL BE TRANSFERRED TO THE MOTOR VEHICLE AD VALOREM TAX REDUCTION FUND AND THE MISSISSIPPI TRAUMA CARE SYSTEMS FUND; TO AMEND SECTION 63-15-4, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Sections 1 through 7 of this act shall be known as the "Public Safety Verification and Enforcement Act."

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SECTION 2. (1) The Department of Public Safety, hereinafter referred to in this section as "department," in cooperation with the Commissioner of Insurance and the Department of Revenue, shall establish an accessible common carrier-based motor vehicle insurance verification system to verify the compliance of a motor vehicle owner or operator with motor vehicle liability policy requirements under the Mississippi Motor Vehicle Safety-Responsibility Law.

(2) The department in cooperation with the Department of Revenue may contract with a private vendor or vendors to establish and maintain the system.

(3) The system must:

(a) Send requests to insurers for verification of motor vehicle liability insurance using electronic services established by the insurers through the Internet, World Wide Web, or a similar proprietary or common carrier electronic system in compliance with the specifications and standards of the Insurance Industry Committee on Motor Vehicle Administration and other applicable industry standards;

(b) Include appropriate provisions to secure its data against unauthorized access and to maintain a record of all requests and responses;

(c) Be accessible, without fee, to authorized personnel of the department, the Department of Revenue, the courts, law enforcement personnel, county tax collectors, and other entities authorized by the department or the Department of Revenue under the provisions of Section 4 of this act;

(d) Be able to interface with existing department and Department of Revenue systems;

(e) Be able to be accessed by authorized users via a secure web browser;

(f) Receive insurance data file transfers from insurers under specifications and standards set forth in paragraph (a) of

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this subsection to identify motor vehicles that are not covered by an insurance policy;

(g) Provide a means by which low-volume insurers that are unable to deploy an online interface with the system can report insurance policy data to the department, the Department of Revenue or their designee for inclusion in the system;

(h) Provide a means to track separately or distinguish motor vehicles that are subject to a certificate of insurance under Section 63-15-39 or 63-15-41, a certificate of self-insurance under Section 63-15-53, a bond under Section 63-15-49, or a certificate of deposit of money or securities under Section 63-15-51;

(i) Distinguish motor vehicles that are exempt from the provisions of Sections 1 through 7 of this act;

(j) Be available twenty-four (24) hours a day, seven (7) days a week, subject to reasonable allowances for scheduled maintenance or temporary system failures, to verify the insurance status of any motor vehicle in a manner prescribed by the department or the Department of Revenue; and

(k) Be installed and operational not later than July 1, 2013, following an appropriate testing period of not less than six (6) months.

(4) Every insurer shall cooperate with the department and the Department of Revenue in establishing and maintaining the system and shall provide access to motor vehicle liability policy status information to verify liability coverage for:

(a) A motor vehicle insured by that company that is registered in this state; and

(b) If available, a motor vehicle that is insured by that company or that is operated in this state regardless of where the motor vehicle is registered.

SECTION 3. (1) A law enforcement officer or authorized employee of a law enforcement agency may, during the course of a

traffic stop or accident investigation, access the verification system established under Section 2 of this act to verify whether a motor vehicle is covered by a valid motor vehicle liability policy in at least the minimum amounts required under Section 63-15-3(j).

(2) The response received from the system supersedes an insurance card produced by a motor vehicle owner or operator, and notwithstanding the display of an insurance card by the owner or operator, the law enforcement officer may issue a complaint and notice to appear to the owner or operator for a violation of the Mississippi Motor Vehicle Safety-Responsibility Law.

(3) Except upon reasonable cause to believe that a driver has violated another traffic regulation or that the driver's motor vehicle is unsafe or not equipped as required by law, a law enforcement officer may not use the verification system to stop a driver for operating a motor vehicle in violation of this act.

SECTION 4. (1) The Department of Public Safety, hereinafter referred to in this section as "department," and the Department of Revenue shall administer and enforce the provisions of Sections 1 through 7 of this act, as applicable, and shall make rules, jointly or separately, necessary for the administration of the motor vehicle insurance verification system created under Section 2 of this act.

(2) The rules must:

(a) Establish standards and procedures for accessing the system by authorized personnel of the department, the Department of Revenue, the courts, law enforcement personnel, tax collectors of each county and any other entities authorized by the department or the Department of Revenue that are consistent with specifications and standards of the Insurance Industry Committee on Motor Vehicle Administration and other applicable industry standards;

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(b) Provide for the suspension of a vehicle registration and/or a driver's license when required by Sections 1 through 7 of this act;

(c) Prohibit the reinstatement of a vehicle registration or driver's license unless the applicable fines have been paid; and

(d) Provide for periodic insurance data file transfers from insurers to identify motor vehicles that are not covered by an insurance policy and to monitor ongoing compliance with mandatory motor vehicle liability insurance requirements.

(3) The department and/or the Department of Revenue may adopt additional rules to:

(a) Assist authorized users in interpreting responses received from the motor vehicle insurance verification system and determining the appropriate action to be taken as a result of a response; and

(b) Otherwise clarify system operations and business rules.

SECTION 5. Every owner of a motor vehicle in this state shall comply with the motor vehicle liability insurance coverage in at least the minimum amounts required under Section 63-15-3(j) before that owner may receive a registration for a motor vehicle or renew a registration. The owner must also maintain continuous coverage in at least the minimum amounts required under Section 63-15-3(j) throughout the registration period. The verification system shall be used at registration to determine compliance with this section and the response received from the system supersedes an insurance card produced by a motor vehicle owner or operator, and notwithstanding the display of an insurance card by the owner or operator, the owner shall be denied a registration for a motor vehicle or renewal of a registration based on the verification system's response of noncompliance. The Department of Revenue must make the verification system available to the tax collector

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through its title/registration network system. If the owner is applying for the initial registration of a motor vehicle, then the owner may be granted a registration notwithstanding the response received from the verification system.

SECTION 6. (1) Sections 1 through 7 of this act shall not apply to any motor vehicle that:

- (a) Has commercial auto coverage;
- (b) Is qualified for a fleet registration;
- (c) Is part of a self-insured corporate or individual fleet registered under Section 27-19-66, or self-insured under Section 63-15-53;
- (d) Is included in an insurance binder that has not been entered into the system at the time the verification system is accessed;
- (e) Is exempted from the proof of insurance requirement under Section 63-15-4(1); or
- (f) Has a gross vehicle weight of sixteen thousand (16,000) pounds or greater.

(2) For the purposes of Sections 1 through 7 of this act, "commercial auto coverage" is defined as any coverage provided to an insured, regardless of number of vehicles or entity covered, under a commercial coverage form and rated from a commercial manual approved by the Department of Insurance. Sections 1 through 7 of this act shall not apply to vehicles insured under commercial auto coverage; however, insurers of such vehicles may participate on a voluntary basis.

SECTION 7. (1) If the owner of a motor vehicle being operated on the public roads, streets or highways of the State of Mississippi or registered in the State of Mississippi fails to have motor vehicle liability insurance in at least the minimum amounts required under Section 63-15-3(j), the Commissioner of Public Safety, the Commissioner of Revenue or a court of proper jurisdiction shall suspend the vehicle registration and/or the

owner's or the operator's driving privilege and shall impose a civil penalty in an amount of Three Hundred Dollars (\$300.00) upon a first conviction, in an amount of Four Hundred Dollars (\$400.00) upon a second conviction and in an amount of Five Hundred Dollars (\$500.00) upon a third or subsequent conviction. If suspended, the registration or driving privilege shall not be reinstated until the owner has motor vehicle liability insurance in at least the minimum amounts required under Section 63-15-3(j) and has paid the civil penalties imposed. Any person shall have the right to appeal any suspension or civil penalty under this section in a court of proper jurisdiction. If the matter is appealed and a violation is found, then the court shall not reduce, suspend or suspend the execution of any penalty imposed under the provisions of this subsection, in whole or in part. It shall be the duty of the county prosecuting attorney, an attorney employed under the provisions of Section 19-3-49, or in the event there is no such prosecuting attorney for the county, the duty of the district attorney to represent the state in any appeal held under this subsection. Civil penalties collected under this subsection shall be deposited into the special fund created under subsection (2) of this section. However, if the appeal of such civil penalty would be under the proper jurisdiction of a municipal court, One Hundred Dollars (\$100.00) of the funds from such civil penalty shall be deposited in the general fund of that municipality. If the appeal of such civil penalty would be under the proper jurisdiction of any of the courts of a county, One Hundred Dollars (\$100.00) of the funds from such civil penalty shall be deposited in the general fund of that county. A person convicted of a civil violation under this subsection (1) shall not be convicted of a criminal offense under Section 63-15-4(4) arising from the same incident.

(2) (a) There is created in the State Treasury a special fund to be designated as the "Uninsured Motorist Identification

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Fund." The fund shall consist of monies deposited therein as provided under subsection (1) of this section and monies from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund; however, one-half (1/2) of any monies in excess of the amount needed to defray the expenses and costs of the verification system created under Section 2 of this act remaining in the fund at the end of a fiscal year shall be transferred to the Motor Vehicle Ad Valorem Tax Reduction Fund created under Section 27-51-105, and one-half (1/2) of any monies in excess of the amount needed to defray the expenses and costs of the verification system created under Section 2 of this act remaining in the fund at the end of a fiscal year shall be transferred to the Mississippi Trauma Care Systems Fund created under Section 41-59-75.

(b) Monies in the special fund may be used by the Department of Public Safety and the Department of Revenue, upon appropriation by the Legislature, only for the purpose of defraying expenses and costs for the motor vehicle insurance verification system created under Section 2 of this act. Monies in the fund used for the purposes described in this paragraph (b) shall be in addition to other funds available from any other source for such purposes.

SECTION 8. Section 63-15-4, Mississippi Code of 1972, is amended as follows:

63-15-4. (1) The following vehicles are exempted from the requirements of this section:

- (a) Motor vehicles exempted by Section 63-15-5;
- (b) Motor vehicles for which a bond or a certificate of deposit of money or securities in at least the minimum amounts

required for proof of financial responsibility is on file with the department;

(c) Motor vehicles that are self-insured under Section 63-15-53; and

(d) Implements of husbandry.

(2) (a) Every motor vehicle operated in this state shall have an insurance card maintained in the motor vehicle as proof of liability insurance that is in compliance with the liability limits required by Section 63-15-3(j). The insured parties shall be responsible for maintaining the insurance card in each motor vehicle.

(b) An insurance company issuing a policy of motor vehicle liability insurance as required by this section shall furnish to the insured an insurance card for each motor vehicle at the time the insurance policy becomes effective. Beginning on July 1, 2013, insurers shall furnish commercial auto coverage customers with an insurance card clearly marked with the identifier, "Commercial Auto Insurance" or "Fleet" or similar language, to reflect that the vehicle is insured under a commercial auto policy.

(3) . Upon stopping a motor vehicle at a roadblock where all passing motorists are checked as a method to enforce traffic laws or upon stopping a motor vehicle for any other statutory violation, a law enforcement officer, who is authorized to issue traffic citations, shall verify that the insurance card required by this section is in the motor vehicle. However, no driver shall be stopped or detained solely for the purpose of verifying that an insurance card is in the motor vehicle unless the stop is part of such roadblock. If the law enforcement officer uses the verification system created in Section 2 of this act and receives a response from the system verifying that the owner of the motor vehicle has liability insurance in the amounts required under Section 63-15-3(j), then the officer shall not issue a citation

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under this section notwithstanding any failure to display an insurance card by the owner or operator.

(4) Failure of the owner or the operator of a motor vehicle to have the insurance card in the motor vehicle is a misdemeanor and, upon conviction, is punishable by a fine of Five Hundred Dollars (\$500.00) and suspension of driving privilege for a period of one (1) year or until the owner of the motor vehicle shows proof of liability insurance that is in compliance with the liability limits required by Section 63-15-3(j). Fraudulent use of an insurance card shall be punishable in accordance with Section 97-7-10. The funds from such fines shall be deposited in the State General Fund in the State Treasury. However, if such fines are levied in a municipal court, fifty percent (50%) of the funds from such fines shall be deposited in the general fund of the municipality. If such fines are levied in any of the courts of the county, fifty percent (50%) of the funds from such fines shall be deposited in the general fund of the county. A person convicted of a criminal offense under this subsection (4) shall not be convicted of a civil violation under Section 7(1) of this act arising from the same incident.

(5) If, at the hearing date or the date of payment of the fine, the motor vehicle owner shows proof of motor vehicle liability insurance in the amounts required by Section 63-15-3(j), the fine shall be reduced to One Hundred Dollars (\$100.00). If the owner shows proof that such insurance was in effect at the time of citation, the case shall be dismissed as to the defendant with prejudice and all court costs shall be waived against the defendant.

SECTION 9. It is the intent of the Legislature that no portion of this act shall be interpreted to mean that any particular vendor's verification system or methodology be considered preferential to another's solely based on any language

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in this act and as long as the system is in compliance with this act.

SECTION 10. Sections 1 through 7 of this act shall stand repealed from and after July 1, 2018.

SECTION 11. This act shall take effect and be in force from and after July 1, 2012, except for Section 5 of this act which shall take effect and be in force from and after July 1, 2013.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2634

Description: National Flood Insurance Program; revise laws regarding eligibility for.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 540

History of Actions:

- 1 02/20 (S) Referred To Insurance
- 2 02/29 (S) Title Suff Do Pass
- 3 03/07 (S) Passed
- 4 03/08 (S) Transmitted To House
- 5 03/14 (H) Referred To Insurance
- 6 03/20 (H) Title Suff Do Pass
- 7 03/21 (H) Passed
- 8 03/21 (H) Motion to Reconsider Entered (Chism, Buck (5th))
- 9 04/12 (H) Reconsidered
- 10 04/12 (H) Amended
- 11 04/12 (H) Passed As Amended
- 12 04/13 (H) Returned For Concurrence
- 13 04/18 (S) Decline to Concur/Invite Conf
- 14 04/24 (S) Conferees Named Carmichael, Parks, Browning
- 15 04/25 (H) Conferees Named Chism, Buck (5th), Turner
- 16 04/27 (S) Conference Report Filed
- 17 04/27 (H) Conference Report Filed
- 18 04/28 (H) Conference Report Adopted
- 19 05/01 (S) Conference Report Adopted
- 20 05/07 (S) Enrolled Bill Signed
- 21 05/08 (H) Enrolled Bill Signed
- 22 05/22 Approved by Governor

Amendments:

[H] Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2634

Conference Reports:

Conference Report

Code Section: A 017-0002-0007, A 017-0002-0009

----- **Additional Information** -----

Senate Committee: Insurance

House Committee: Insurance

Principal Author: Carmichael

Additional Authors: Gollott, Watson, Wiggins, Jackson (11th)

2012 GENERAL LAWS OF MISSISSIPPI, SB 2634

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Carmichael, Gollott, Watson,
Wiggins, Jackson (11th)

To: Insurance

SENATE BILL NO. 2634
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 17-2-7 AND 17-2-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FLOODPLAIN MANAGEMENT ORDINANCES OR REGULATIONS NECESSARY FOR ELIGIBILITY FOR THE NATIONAL FLOOD INSURANCE PROGRAM SHALL APPLY RETROACTIVELY TO CERTAIN CONSTRUCTION OR IMPROVEMENT PERMITS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 17-2-7, Mississippi Code of 1972, as amended by House Bill No. 773, 2012 Regular Session, is amended as follows:

17-2-7. (1) For purposes of this section, "farm structure" means a structure that is constructed on a farm, other than a residence or a structure attached to it, for use on the farm, including, but not limited to, barns, sheds and poultry houses, but not public livestock areas. For purposes of this section, "farm structure" does not include a structure originally qualifying as a "farm structure" but later converted to another use.

(2) The governing body of a county or municipality shall not enforce that portion of any building code established and/or imposed under Sections 17-2-1 through 17-2-5 that regulates the construction or improvement of a farm structure.

(3) The provisions of this section do not apply unless, before constructing or improving a farm structure, the person owning the property on which the structure is to be constructed files an affidavit with the county or municipal official responsible for enforcing the building code stating that the structure is being constructed as a farm structure. The affidavit

must include a statement of purpose or intended use of the proposed structure or addition.

(4) This section does not affect the authority of the governing body of a county or municipality to issue building permits before an affidavit for the construction or improvement of a farm structure is filed under subsection (3) of this section.

(5) The provisions of this section shall not apply to any floodplain management ordinances or regulations necessary for eligibility for the National Flood Insurance Program, and such floodplain management ordinances or regulations shall apply retroactively to any construction or improvement permit granted for any structure exempted under this section before the effective date of this act.

SECTION 2. Section 17-2-9, Mississippi Code of 1972, as amended by House Bill No. 773, 2012 Regular Session, is amended as follows:

17-2-9. (1) The governing authority of any county or municipality shall not enforce any portion of any building codes established and/or imposed under Sections 17-2-1 through 17-2-5 that regulates the construction or improvement of industrial facilities that are engaged in activities designated as manufacturing (sectors 31-33), utilities (sector 22), telecommunications (sector 517), bulk stations and materials (sector 422710), crude oil pipelines (sector 486110), refined petroleum products pipelines (sector 486910), natural gas pipelines (sector 486210), other pipelines (sector 486990) and natural gas processing plants (sector 211112), under the North American Industry Classification System (NAICS).

(2) The governing authority of any county or municipality shall not enforce any portion of any building codes established and/or imposed under Sections 17-2-1 through 17-2-5 which regulates the construction or improvement of buildings located on nonpublic fairgrounds or the construction or improvement of

buildings located on the Neshoba County Fairgrounds in Neshoba County, Mississippi.

(3) The governing authority of any county or municipality shall not enforce any portion of any building codes established and/or imposed under Sections 17-2-1 through 17-2-5 which regulates the construction or improvement of a private unattached outdoor recreational structure, such as a hunting or fishing camp. In order for a structure to qualify as a "hunting camp" or "fishing camp" under the provisions of this subsection, the owner must file with the board of supervisors of the county in which the structure is located his signed affidavit stating under oath that the structure is a hunting camp or fishing camp, as the case may be, that he is the owner or an owner of the camp and that the camp is located in an unincorporated area of the county within, near or in close proximity to land upon which hunting or fishing activities legally may take place.

(4) The governing authority of any county or municipality shall not enforce any portion of any building codes established and/or imposed under Sections 17-2-1 through 17-2-5 which regulates the construction or improvement of manufactured housing built according to the Federal Manufactured Home Construction and Safety Standards Act.

(5) The governing authority of Pearl River County or any municipality within such county shall not enforce any portion of any building codes established and/or imposed under Sections 17-2-1 through 17-2-5 which prohibits the use of or requires building permit approval for the use of salvage lumber or green cut timber in building construction provided such timber is for personal use and is not for sale.

(6) The provisions of this section shall not apply to any floodplain management ordinances or regulations necessary for eligibility for the National Flood Insurance Program, and such floodplain management ordinances or regulations shall apply

retroactively to any construction or improvement permit granted for any structure exempted under this section before the effective date of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2655

Description: Mississippi Community College Board; require designation of 3 workforce development centers to provide motion picture skills training.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 568

History of Actions:

- 1 02/20 (S) Referred To Economic Development;Finance
- 2 02/29 (S) DR - TSDPCS: EC To FI
- 3 03/06 (S) Title Suff Do Pass Comm Sub
- 4 03/08 (S) Committee Substitute Adopted
- 5 03/08 (S) Passed
- 6 03/08 (S) Immediate Release
- 7 03/09 (S) Transmitted To House
- 8 03/19 (H) Referred To Workforce Development
- 9 04/03 (H) Title Suff Do Pass As Amended
- 10 04/10 (H) Amended
- 11 04/10 (H) Passed As Amended
- 12 04/13 (H) Returned For Concurrence
- 13 04/19 (S) Decline to Concur/Invite Conf
- 14 04/24 (S) Conferees Named Horhn, Fillingane, Doty
- 15 04/25 (H) Conferees Named Bell, Shirley, Mettetal
- 16 04/30 (H) Conference Report Filed
- 17 04/30 (S) Conference Report Filed
- 18 05/01 (S) Conference Report Adopted
- 19 05/01 (H) Conference Report Adopted
- 20 05/07 (S) Enrolled Bill Signed
- 21 05/08 (H) Enrolled Bill Signed
- 22 05/23 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

[H] Amendment No 1 to Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2655

Conference Reports:

Conference Report

Code Section: A 037-0153-0011

----- Additional Information -----

2012 GENERAL LAWS OF MISSISSIPPI, SB 2655

Senate Committee: Economic Development, Finance

House Committee: Workforce Development

Principal Author: Horhn

Additional Authors: Jackson (11th)

2012 GENERAL LAWS OF MISSISSIPPI, SB 2655

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Horhn, Jackson (11th)

To: Economic Development;
Finance

SENATE BILL NO. 2655
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-153-11, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI COMMUNITY COLLEGE BOARD TO DESIGNATE ONE OR MORE WORKFORCE DEVELOPMENT CENTERS AT THE REQUEST OF AFFILIATED COMMUNITY OR JUNIOR COLLEGES TO PROVIDE SKILLS TRAINING TO INDIVIDUALS TO ENHANCE THEIR ABILITY TO BE EMPLOYED IN THE MOTION PICTURE INDUSTRY IN THIS STATE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-153-11, Mississippi Code of 1972, is amended as follows:

37-153-11. (1) There are created workforce development centers to provide assessment, training and placement services to individuals needing retraining, training and upgrading for small business and local industry. Each workforce development center shall be affiliated with a separate public community or junior college district.

(2) Each workforce development center shall be staffed and organized locally by the affiliated community college. The workforce development center shall serve as staff to the affiliated district council.

(3) Each workforce development center, working in concert with its affiliated district council, shall offer and arrange services to accomplish the purposes of this chapter, including, but not limited to, the following:

- (a) For individuals needing training and retraining:
 - (i) Recruiting, assessing, counseling and referring to training or jobs;
 - (ii) Preemployment training for those with no experience in the private enterprise system;

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(iii) Basic literacy skills training and high school equivalency education;

(iv) Vocational and technical training, full-time or part-time; and

(v) Short-term skills training for educationally and economically disadvantaged adults in cooperation with federally established employment and training programs;

(b) For specific small businesses, industries or firms within the district:

(i) Job analysis, testing and curriculum development;

(ii) Development of specific long-range training plans;

(iii) Industry or firm-related preemployment training;

(iv) Workplace basic skills and literacy training;

(v) Customized skills training;

(vi) Assistance in developing the capacity for total quality management training;

(vii) Technology transfer information and referral services to business of local applications of new research in cooperation with the University Research Center, the state's universities and other laboratories; and

(viii) Development of business plans;

(c) For public schools within the district technical assistance to secondary schools in curriculum coordination, development of tech prep programs, instructional development and resource coordination; and

(d) For economic development, a local forum and resource center for all local industrial development groups to meet and promote regional economic development.

(4) Each workforce development center shall compile and make accessible to the Mississippi Workforce Investment Board necessary

information for use in evaluating outcomes of its efforts and in improving the quality of programs at each community college, and shall include information on literacy initiatives. Each workforce development center shall, through an interagency management information system, maintain records on new small businesses, placement, length of time on the job after placement and wage rates of those placed in a form containing such information as established by the state council.

(5) The Mississippi Community College Board is authorized to designate one or more workforce development centers at the request of affiliated community or junior colleges to provide skills training to individuals to enhance their ability to be employed in the motion picture industry in this state.

SECTION 2. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

Senate Bill 2659

Description: MS Small Business Investment Company Act; make revision regarding applications, investment requirements & distributions requirements.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2012

Chapter Number: 570

History of Actions:

- 1 02/20 (S) Referred To Finance
- 2 03/01 (S) Title Suff Do Pass Comm Sub
- 3 03/13 (S) Committee Substitute Adopted
- 4 03/13 (S) Passed
- 5 03/15 (S) Transmitted To House
- 6 03/19 (H) Referred To Ways and Means
- 7 03/29 (H) Title Suff Do Pass As Amended
- 8 04/04 (H) Amended
- 9 04/04 (H) Passed As Amended
- 10 04/05 (H) Returned For Concurrence
- 11 04/10 (S) Decline to Concur/Invite Conf
- 12 04/24 (S) Conferees Named Fillingane, Flowers, Longwitz
- 13 04/25 (H) Conferees Named Smith (39th), Rogers (61st), Reynolds
- 14 04/29 (H) Conference Report Filed
- 15 04/29 (S) Conference Report Filed
- 16 04/30 (H) Conference Report Adopted
- 17 05/01 (S) Conference Report Adopted
- 18 05/01 (S) Motion to Reconsider Entered
- 19 05/02 (S) Motion to Reconsider Tabled
- 20 05/07 (S) Enrolled Bill Signed
- 21 05/08 (H) Enrolled Bill Signed
- 22 05/23 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2659

Conference Reports:

Conference Report

Code Section: A 057-0115-0003, A 057-0115-0005, A 057-0115-0007, A 057-0115-0009

----- Additional Information -----

Senate Committee: Finance

House Committee: Ways and Means

Principal Author: Fillingane

2012 GENERAL LAWS OF MISSISSIPPI, SB 2659

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Fillingane

To: Finance

SENATE BILL NO. 2659
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 57-115-3, 57-115-5, 57-115-7 AND 57-115-9, MISSISSIPPI CODE OF 1972, OF THE MISSISSIPPI SMALL BUSINESS INVESTMENT ACT TO REVISE THE DEFINITION OF "QUALIFIED DISTRIBUTION" UNDER THE ACT TO INCLUDE PAYMENTS OF PRINCIPAL AND INTEREST TO HOLDERS OF A QUALIFIED DEBT INSTRUMENT WHICH MAY BE MADE WITHOUT RESTRICTION; TO PROVIDE THAT REASONABLE COSTS AND EXPENSES OF FORMING, SYNDICATING AND ORGANIZING A MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY THAT ARE PAID TO NOT MORE THAN ONE PARTICIPATING INVESTOR ARE INCLUDED IN THE DEFINITION OF "QUALIFIED DISTRIBUTION"; TO REVISE THE AMOUNT OF REDUCTION IN A QUALIFIED INVESTMENT THAT RESULTS FROM THE EARLY REPAYMENT OF SUCH INVESTMENT; TO PROVIDE THAT THE APPLICATION WITH THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR CERTIFICATION AS A PRIMARY AND SECONDARY MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY SHALL INCLUDE A BUSINESS PLAN DETAILING CERTAIN INFORMATION; TO PROVIDE THAT A JOB SHALL BE CREATED OR RETAINED IF THE JOB PAYS 125% OF THE STATE AVERAGE ANNUAL WAGE AND IS MAINTAINED FOR THREE YEARS FOR EACH \$150,000.00, OR PORTION THEREOF, OF THE CREDITS AWARDED TO THE SMALL BUSINESS INVESTMENT COMPANY; TO INCREASE FROM 80% TO 100% THE AMOUNT OF A PARTICIPATING INVESTOR'S INVESTMENT THAT MAY BE EARNED AS A CREDIT AGAINST THE INVESTOR'S PREMIUM TAX LIABILITY; TO MOVE THE DATE UPON WHICH THE MISSISSIPPI DEVELOPMENT AUTHORITY (MDA) MUST BEGIN ACCEPTING APPLICATIONS TO BECOME A MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY FROM NOT LATER THAN AUGUST 1, 2011, TO NOT LATER THAN AUGUST 1, 2012; TO REVISE THE TAXABLE YEARS IN WHICH A PARTICIPATING INVESTOR MAY CLAIM THE CREDIT AGAINST HIS PREMIUM TAX LIABILITY THAT IS AUTHORIZED BY THE ACT; TO PROVIDE THAT FINAL DECERTIFICATION OF A MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY SHALL RESULT IN THE DISALLOWANCE AND RECAPTURE OF ALL THE CREDITS ALLOCATED TO ITS PARTICIPATING INVESTORS IF WITHIN FOUR YEARS AFTER THE ALLOCATION DATE THE MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY HAS NOT INVESTED AN AMOUNT EQUAL TO AT LEAST 85% OF ITS DESIGNATED CAPITAL IN QUALIFIED INVESTMENTS AND TO PROVIDE THAT SUBSEQUENT DECERTIFICATION AFTER SUCH REQUIREMENT IS MET SHALL NOT CAUSE THE DISALLOWANCE OR RECAPTURE OF SUCH CREDITS; TO PROVIDE THAT THE TAX CREDIT AUTHORIZED UNDER THE ACT MAY BE TRANSFERRED TO AN AFFILIATED INSURANCE COMPANY IF PRIOR WRITTEN NOTICE IS GIVEN TO MDA AND THE DEPARTMENT OF REVENUE; TO REMOVE THE REQUIREMENT THAT CREDITS MAY ONLY BE TRANSFERRED TO INVESTORS NAMED IN THE REPORT THAT IS REQUIRED AFTER THE RECEIPT OF DESIGNATED CAPITAL; TO REQUIRE THAT THE PREMIUM TAX CREDITS AUTHORIZED BY THE ACT SHALL BE ALLOCATED IN THE ORDER THAT THE CREDIT APPLICATION CLAIMS ARE FILED WITH THE MDA AND TO PROVIDE THAT CREDIT ALLOCATION CLAIMS FILED ON THE SAME DAY SHALL BE TREATED AS HAVING BEEN FILED CONTEMPORANEOUSLY; TO PROVIDE THE MANNER IN WHICH CREDITS ARE

ALLOCATED IF THEY ARE FILED ON THE SAME DAY AND THE AGGREGATE AMOUNT OF THE CREDIT ALLOCATION CLAIMS EXCEEDS THE AGGREGATE AMOUNT OF CREDITS AUTHORIZED TO BE ISSUED; TO REDUCE THE AMOUNT OF DESIGNATED CAPITAL THAT A MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY MUST INVEST IN QUALIFIED INVESTMENTS BY THE SECOND AND FOURTH YEAR AFTER THE ALLOCATION DATE; TO PROVIDE THAT IF THE MDA DETERMINES THAT A PROPOSED INVESTMENT DOES NOT MEET THE DEFINITION OF A QUALIFIED INVESTMENT, QUALIFIED BUSINESS OR COMPLY WITH THE MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY'S BUSINESS PLAN, THE MDA MAY NEVERTHELESS CONSIDER THE PROPOSED INVESTMENT A QUALIFIED INVESTMENT OR A QUALIFIED BUSINESS IF THE MDA DETERMINES THAT THE PROPOSED INVESTMENT WILL FURTHER ECONOMIC DEVELOPMENT; TO PROVIDE THAT A MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY MAY AT ANY TIME APPLY TO THE MDA TO AMEND ITS BUSINESS PLAN, WHICH THE MDA MAY APPROVE IF IT DETERMINES THAT THE PROPOSED AMENDMENT WILL FURTHER ECONOMIC DEVELOPMENT IN THE STATE; TO PROVIDE THAT DESIGNATED CAPITAL AND PROCEEDS OF DESIGNATED CAPITAL RETURNED TO A MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY AFTER BEING ORIGINALLY INVESTED IN QUALIFIED INVESTMENTS MAY BE INVESTED IN ADDITIONAL QUALIFIED INVESTMENTS AND THE INVESTMENT SHALL COUNT TOWARD THE REQUIRED AMOUNT INVESTMENTS OF DESIGNATED CAPITAL IN QUALIFIED INVESTMENTS IF THE QUALIFIED BUSINESS RETURNING THE INITIAL QUALIFIED INVESTMENT OF THE DESIGNATED CAPITAL HAS RETURNS THE CAPITAL PURSUANT TO REGULARLY SCHEDULED AMORTIZATION PAYMENTS, RETURNS THE CAPITAL AFTER A CHANGE IN CONTROL OR SALE OF THE COMPANY OR SUBSTANTIALLY ALL OF ITS ASSETS, RETURNS THE CAPITAL TO THE MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY AFTER DEFAULTING ON THE TERMS OF THE INVESTMENT, OR ATTRACTED FOLLOW-ON INVESTMENT EQUAL TO THE AMOUNT RETURNED TO THE MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY FROM A SOURCE OTHER THAN A MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY; TO PROVIDE THAT, IN ADDITION TO OTHER REQUIREMENTS, IN ORDER FOR A MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY TO MAKE A DISTRIBUTION OTHER THAN A QUALIFIED DISTRIBUTION TO ITS EQUITY HOLDERS, THE MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY MUST ATTRACT FOLLOW-ON INVESTMENT FROM SOURCES OTHER THAN ITSELF OR ANOTHER MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY IN THE QUALIFIED BUSINESSES IN WHICH IT MADE QUALIFIED INVESTMENTS EQUAL TO 100% OF ITS DESIGNATED CAPITAL; TO AUTHORIZE THE MDA TO WAIVE THIS JOB CREATION AND RETENTION GOALS UNDER CERTAIN CIRCUMSTANCES; TO PROVIDE THAT FOR ALL DISTRIBUTIONS OTHER THAN QUALIFIED DISTRIBUTIONS, IF THE MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY HAS NOT MET OR EXCEEDED THE JOBS CREATION GOAL AGREED TO BY THE MDA AND THE MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY IN ITS APPLICATION, THE MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY SHALL PAY ALL SUCH DISTRIBUTIONS TO THE STATE AS A FEE UNTIL THE MISSISSIPPI SMALL BUSINESS INVESTMENT COMPANY HAS PAID TO THE STATE AN AMOUNT EQUAL TO THE PENALTY AMOUNT; TO PROVIDE THE DATE UPON WHICH A REPORT MDA CONTAINING CERTAIN INFORMATION MUST BE FILED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-115-3, Mississippi Code of 1972, is amended as follows:

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57-115-3. As used in this chapter, the following terms and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Affiliate" means:

(i) Any person who, directly or indirectly, beneficially owns, controls, or holds power to vote fifteen percent (15%) or more of the outstanding voting securities or other voting ownership interest of a Mississippi small business investment company or insurance company; and

(ii) Any person, fifteen percent (15%) or more of whose outstanding voting securities or other voting ownership interests are directly or indirectly beneficially owned, controlled, or held, with power to vote by a Mississippi small business investment company or insurance company. Notwithstanding this paragraph (a), an investment by a participating investor in a Mississippi small business investment company pursuant to an allocation of tax credits under this chapter does not cause that Mississippi small business investment company to become an affiliate of that participating investor.

(b) "Allocation date" means the date on which credits are allocated to the participating investors of a Mississippi small business investment company under this chapter.

(c) "MDA" means the Mississippi Development Authority.

(d) "Department" means the Mississippi Department of Banking and Consumer Finance.

(e) "Designated capital" means an amount of money that:

(i) Is invested by a participating investor in a Mississippi small business investment company; and

(ii) Fully funds the purchase price of a participating investor's equity interest in a Mississippi small business investment company or a qualified debt instrument issued by a Mississippi small business investment company, or both.

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(f) "Mississippi small business investment company" means a partnership, corporation, trust, or limited liability company, organized on a for-profit basis, that:

(i) Has its principal office located in Mississippi or is headquartered in Mississippi;

(ii) Has as its primary business activity the investment of cash in qualified businesses; and

(iii) Is certified by the MDA as meeting the criteria described in this section to qualify as either a primary or secondary Mississippi small business investment company.

(g) "Participating investor" means any insurer that contributes designated capital pursuant to this chapter.

(h) "Person" means any natural person or entity, including, but not limited to, a corporation, general or limited partnership, trust, or limited liability company.

(i) "Qualified business" means a business that is independently owned and operated and meets all of the following requirements:

(i) It is headquartered in Mississippi, its principal business operations are located in Mississippi and at least eighty percent (80%) of its employees are located in Mississippi;

(ii) It has not more than one hundred (100) employees at the time of the first qualified investment in the business;

(iii) It is not more than ten percent (10%) engaged in:

1. Professional services provided by accountants, doctors, or lawyers;
2. Banking or lending;
3. Real estate development;
4. Retail;
5. Insurance; or

6. Making loans to or investments in a Mississippi small business investment company or an affiliate; and

(iv) It is not a franchise of and has no financial relationship with a Mississippi small business investment company or any affiliate of a Mississippi small business investment company prior to a Mississippi small business investment company's first qualified investment in the business.

A business classified as a qualified business at the time of the first qualified investment in the business will remain classified as a qualified business and may receive continuing qualified investments from any Mississippi small business investment company. Continuing investments will constitute qualified investments even though the business may not meet the definition of a qualified business at the time of such continuing investments; however, the business cannot fail to satisfy subparagraph (iii) and (iv) of this paragraph (i).

(j) "Qualified debt instrument" means a debt instrument issued by a Mississippi small business investment company that meets all of the following criteria:

(i) It is issued at par value or a premium;

(ii) It has an original maturity date of at least four (4) years from the date of issuance and a repayment schedule that is not faster than a level principal amortization over four (4) years; and

(iii) Has no interest or payment features that allow for the prepayment of interest or are tied to the profitability of the Mississippi small business investment company or the success of its investments.

(k) "Qualified distribution" means any distribution or payment by a Mississippi small business investment company in connection with the following:

(i) Reasonable costs and expenses of forming, syndicating and organizing the Mississippi small business

investment company, including fees paid for professional services and the costs of financing and insuring the obligations of a Mississippi small business investment company, provided no such payment is made to more than one (1) participating investor or an affiliate or related party of a participating investor;

(ii) An annual management fee not to exceed two percent (2%) of designated capital on an annual basis to offset the costs and expenses of managing and operating a Mississippi small business investment company;

(iii) Any projected increase in federal or state taxes, including penalties and interest related to state and federal income taxes, or to the equity owners of the company resulting from the earnings or other tax liability of the company to the extent that the increase is related to the ownership, management, or operation of the company; * * *

(iv) Reasonable and necessary fees in accordance with industry custom for ongoing professional services, including, but not limited to, legal and accounting services related to the operation of a Mississippi small business investment company, not including lobbying or governmental relations; and

(v) Payments of principal and interest to holders of qualified debt instruments issued by a Mississippi small business investment company which may be made without restriction.

(1) "Qualified investment" means the investment of money by a Mississippi small business investment company in a qualified business for the purchase of any debt, debt participation, equity, or hybrid security of any nature and description, including a debt instrument or security that has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants; provided that any debt, debt participation or other debt instrument or security shall have a maturity of at least three (3) years. Any repayment of a qualified investment prior to one (1)

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year from the date of issuance shall result in the amount of the qualified investment being reduced by fifty percent (50%) for purposes of the cumulative investment requirement set forth in Section 57-115-9(1) (c).

* * *

(m) "State premium tax liability" means any liability incurred by an insurance company under the provisions of Section 27-15-103, 27-15-109 or 27-15-123 or in the case of a repeal or a reduction by the state of the liability imposed by Section 27-15-103, 27-15-109 or 27-15-123.

SECTION 2. Section 57-115-5, Mississippi Code of 1972, is amended as follows:

57-115-5. (1) (a) The MDA must provide a standardized format for applying for the Mississippi small business investment credit authorized under this chapter, and for certification as a Mississippi small business investment company.

(b) An applicant for certification as a primary Mississippi small business investment company must:

(i) File an application with the MDA which shall include a business plan detailing:

1. The approximate percentage of designated capital the applicant will invest in qualified businesses by the second, fourth and sixth anniversaries of its allocation date;

2. The industry segments listed by the North American Industrial Classification System code and percentage of designated capital in which the applicant will invest; and

3. The number of jobs that will be created or retained as a result of the applicant's investments once all designated capital has been invested. A job shall be considered created or retained if the job pays one hundred twenty-five percent (125%) of the state average annual wage and is maintained for at least three (3) years. The application shall project, at a minimum, that one (1) job shall be created or maintained for each

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One-Hundred and Fifty Thousand Dollars (\$150,000.00) in credits awarded to the participating investors of the Mississippi small business investment company;

(ii) Pay a nonrefundable application fee of Seven Thousand Five Hundred Dollars (\$7,500.00) at the time of filing the application;

(iii) Submit as part of its application an audited balance sheet that contains an unqualified opinion of an independent certified public accountant issued not more than thirty-five (35) days before the application date that states that the applicant has an equity capitalization of Five Hundred Thousand Dollars (\$500,000.00) or more in the form of unencumbered cash, marketable securities or other liquid assets; and

(iv) Have at least two (2) principals or persons, at least one (1) of which is primarily located in Mississippi, employed or engaged to manage the funds who each have a minimum of five (5) years of money management experience in the venture capital or private equity or lending industry.

(c) An applicant for certification as a secondary Mississippi small business investment company must:

(i) File an application with the MDA which shall include a business plan detailing:

1. The approximate percentage of designate capital the applicant will invest in qualified businesses by the second, fourth and sixth anniversaries of its allocation date;

2. The industry segments listed by the North American Industrial Classification System code and percentage of designated capital in which the applicant will invest; and

3. The number of jobs that will be crested or retained as a result of the applicant's investments once all designated capital has been invested. A job shall be considered created or retained if the job pays one hundred twenty-five percent (125%) of the state average annual wage and is maintained

for at least three (3) years. The application shall project, at a minimum, that one (1) job shall be created or maintained for each One-Hundred and Fifty Thousand Dollars (\$150,000.00) in credits awarded to the participating investors of the Mississippi small business investment company;

(ii) Pay a nonrefundable application fee of Three Thousand Seven Hundred Fifty Dollars (\$3,750.00) at the time of filing the application;

(iii) Submit as part of its application an audited balance sheet that contains an unqualified opinion of an independent certified public accountant issued not more than thirty-five (35) days before the application date that states that the applicant has an equity capitalization of One Hundred Fifty Thousand Dollars (\$150,000.00) or more in the form of unencumbered cash, marketable securities or other liquid assets;

(iv) Demonstrate that fifty percent (50%) of all secondary investment company investments have been in Mississippi, and all of the applicant's employees have lived in Mississippi for at least two (2) years prior to the application being filed, and that those who are employed or engaged to manage the funds have a minimum of three (3) years of money management experience in the venture capital or private equity or lending industry; and

(v) Submit as part of its application a signed and notarized partnership agreement letter with a certified primary Mississippi small business investment company.

(d) The MDA may certify partnerships, corporations, trusts, or limited liability companies, organized on a for-profit basis, which submit an application to be designated as a Mississippi small business investment company if the applicant is located, headquartered, and licensed or registered to conduct business in Mississippi, has as its primary business activity the investment of cash in qualified businesses, and meets all of the criteria of this section.

(e) The MDA must:

(i) Review the organizational documents of each applicant for certification and the business history of each applicant;

(ii) Determine whether the applicant has satisfied all of the requirements of this section; and

(iii) Determine whether the officers and the board of directors, general partners, trustees, managers or members are trustworthy and are thoroughly acquainted with the requirements of this chapter.

(f) Within forty-five (45) days after the receipt of an application, the MDA may issue the certification or refuse the certification and may communicate in detail to the applicant the grounds for refusal, including suggestions for the removal of the grounds.

(g) The MDA must begin accepting applications to become a Mississippi small business investment company not later than August 1, 2012.

(h) Certification by the MDA and operation of a primary Mississippi small business investment company is not subject to completion of any relationship or agreement with a secondary Mississippi small business investment company, and it is not the intent of this chapter to compel any such agreement.

(2) (a) An insurance company or affiliate of an insurance company must not, directly or indirectly:

(i) Beneficially own, whether through rights, options, convertible interest, or otherwise, fifteen percent (15%) or more of the voting securities or other voting ownership interest of a Mississippi small business investment company;

(ii) Manage a Mississippi small business investment company; or

(iii) Control the direction of investments for a Mississippi small business investment company.

(b) A Mississippi small business investment company may obtain one (1) or more guaranties, indemnities, bonds, insurance policies, or other payment undertakings for the benefit of its participating investors from any entity, except that in no case can more than one (1) participating investor of a Mississippi small business investment company on an aggregate basis with all affiliates of the participating investor, be entitled to provide guaranties, indemnities, bonds, insurance policies, or other payment undertakings in favor of the participating investors of a Mississippi small business investment company and its affiliates in this state.

(c) This subsection (2) does not preclude a participating investor, insurance company or other party from exercising its legal rights and remedies, including, without limitation, interim management of a Mississippi small business investment company, in the event that a Mississippi small business investment company is in default of its statutory obligations or its contractual obligations to a participating investor, insurance company, or other party, or from monitoring a Mississippi small business investment company to ensure its compliance with this chapter or disallowing any investments that have not been approved by the MDA.

(d) The MDA may contract with an independent third party to review, investigate, and certify that the applications comply with the provisions of this chapter.

(3) (a) At the time of its investment of designated capital a participating investor shall earn a vested credit against the participating investor's state premium tax liability in an amount equal to one hundred percent (100%) of the participating investor's investment of designated capital in a Mississippi small business investment company, subject to the limits imposed by this section. From and after January 1, 2015, a participating investor may claim the credit as follows:

(i) For the 2015 taxable year, an amount equal to twenty percent (20%) of the participating investor's investment of designated capital;

(ii) For the 2016 taxable year, an amount equal to twenty percent (20%) of the participating investor's investment of designated capital;

(iii) For the 2017 taxable year, an amount equal to twenty percent (20%) of the participating investor's investment of designated capital;

(iv) For the 2018 taxable year, an amount equal to twenty percent (20%) of the participating investor's investment of designated capital; and

(v) For the 2019 taxable year, an amount equal to twenty percent (20%) of the participating investor's investment of designated capital.

(b) The credit for any taxable year cannot exceed the state premium tax liability of the participating investor for the taxable year. If the amount of the credit exceeds the state premium tax liability of the participating investor for the taxable year, the excess is an investment tax credit carryover for five (5) years from the date the credit is first able to be utilized in accordance with Section 57-115-5(3) (a).

(c) Notwithstanding any provision of this chapter to the contrary, the granting of any credits against the insurance premium tax shall not affect the insurance premium tax receipts distributed pursuant to Sections 83-1-37, 83-1-39, 83-34-39, 45-11-5 and 21-29-233, which shall take priority over all other distributions of premium tax receipts and shall be calculated based upon gross insurance premium tax liability before the application of the tax credits.

(d) A participating investor claiming a credit under this chapter is not required to pay any additional retaliatory tax under Section 27-15-123 levied as a result of claiming the credit.

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(e) A participating investor is not required to reduce the amount of tax pursuant to the state premium tax liability included by the participating investor in connection with ratemaking for any insurance contract written in this state because of a reduction in the participating investor's tax liability based on the tax credit allowed under this chapter.

(f) If the taxes paid by a participating investor with respect to its state premium tax liability constitute a credit against any other tax that is imposed by this state, the participating investor's credit against the other tax shall not be reduced by virtue of the reduction in the participating investor's tax liability based on the tax credit allowed under this chapter.

(g) Final decertification of a Mississippi small business investment company under this chapter prior to such Mississippi small business investment company meeting the requirements of Section 57-115-7(1)(a)(ii), shall result in the disallowance and the recapture of all of the credits allocated to its participating investors under this chapter. Once a Mississippi small business investment company has satisfied the requirements of Section 57-115-7(1)(a)(ii), any subsequent decertification shall not cause the disallowance or recapture of any credits allocated to its participating investors under this chapter.

* * *

(h) The credits allowed under this chapter are not transferable; however, a participating investor may transfer credits to an affiliated insurance company provided it gives prior written notice of such transfer to the MDA and the Department of Revenue.

(4) (a) (i) * * * The aggregate amount of investment tax credits that may be allocated to all participating investors of Mississippi small business investment companies under this section shall not exceed Fifty Million Dollars (\$50,000,000.00), and no

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Mississippi small business investment company, on an aggregate basis with its affiliates, may file credit allocation claims that exceed Fifty Million Dollars (\$50,000,000.00).

(ii) The Fifty Million Dollars (\$50,000,000.00) aggregate amount of investment tax credits shall be divided into a primary tax credit pool which may be applied for by certified primary Mississippi small business investment companies and a secondary tax credit pool which may be applied for by certified secondary Mississippi small business investment companies. The secondary tax credit pool shall be Three Million Five Hundred Thousand Dollars (\$3,500,000.00) of the total Fifty Million Dollars (\$50,000,000.00) aggregate amount of investment tax credits. Secondary Mississippi small business investment companies may not apply for more than One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000.00) worth of credits on a single application. A certified secondary Mississippi small business investment company may apply for additional tax credit allocation from the secondary tax credit pool, if the credits are available, after fifty percent (50%) of its previously allocated credits are used in qualified investments.

(iii) If there are any tax credits remaining available for allocation in the secondary tax credit pool on August 1, 2013, those available tax credits shall revert to the primary tax credit pool and be made available to primary Mississippi small business investment companies according to rules and regulations promulgated by the MDA. Prior to August 1, 2013, primary Mississippi small business investment companies, including any wholly owned subsidiary company, shall be prohibited from making application to the MDA to be additionally certified as a secondary Mississippi small business investment company and prohibited from applying for any tax credit allocation from the secondary tax credit pool. A certified primary Mississippi small business investment company may have ownership equity in a

certified secondary Mississippi small business investment company, but the equity interest owned by the certified primary Mississippi small business investment company shall not exceed forty percent (40%).

(b) Credits must be allocated to investors in the order that the credit allocation claims are filed with the MDA. * * *

(c) Any credit allocation claims filed with the MDA before the initial credit allocation claim filing date will be deemed to have been filed on the initial credit allocation claim filing date. The MDA will set the initial credit allocation claim filing date to be not less than one hundred twenty (120) days and not more than one hundred fifty (150) days after the date the MDA begins accepting applications for certification. Credit allocation claims filed on the same day with the MDA must be treated as having been filed contemporaneously.

(d) If two (2) or more Mississippi small business investment companies file credit allocation claims with the MDA on behalf of their respective participating investors on the same day and the aggregate amount of credit allocation claims exceeds the aggregate limit of credits authorized under this subsection (4) or the lesser amount of credits that remain unallocated on that day, then the credits shall be allocated among the participating investors who filed on that day on a pro rata basis with respect to the amounts claimed. The pro rata allocation for any one (1) participating investor is the product obtained by multiplying a fraction, the numerator of which is the amount of the credit allocation claim filed on behalf of a participating investor and the denominator of which is the total of all credit allocation claims filed on behalf of all participating investors on that day, by the aggregate limit of credits authorized under this subsection (4) or the lesser amount of credits that remain unallocated on that day.

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(e) Within ten (10) business days after the MDA receives a credit allocation claim filed by a Mississippi small business investment company on behalf of one or more of its participating investors, the MDA may notify the Mississippi small business investment company of the amount of credits allocated to each of the participating investors of that Mississippi small business investment company. In the event a Mississippi small business investment company does not receive an investment of designated capital from each participating investor required to earn the amount of credits allocated to the participating investor within ten (10) business days of the Mississippi small business investment company's receipt of notice of allocation, then it shall notify the MDA on or before the next business day, and the credits allocated to the participating investor of the Mississippi small business investment company will be forfeited. The MDA may then reallocate those forfeited credits among the participating investors of the other Mississippi small business investment companies on a pro rata basis with respect to the credit allocation claims filed on behalf of the participating investors. The MDA may levy a fine of not more than Fifty Thousand Dollars (\$50,000.00) on any participating investor that does not invest the full amount of designated capital required to fund the credits allocated to it by the MDA in accordance with the credit allocation claim filed on its behalf.

(f) No participating investor, on an aggregate basis with its affiliates, may file an allocation claim for more than twenty-five percent (25%) of the maximum amount of investment tax credits authorized under this subsection (4), regardless of whether the claim is made in connection with one or more Mississippi small business investment companies.

SECTION 3. Section 57-115-7, Mississippi Code of 1972, is amended as follows:

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57-115-7. (1) (a) To maintain its certification, a Mississippi small business investment company must make qualified investments as follows:

(i) Within two (2) years after the allocation date, a Mississippi small business investment company must invest an amount equal to at least thirty-five percent (35%) of its designated capital in qualified investments; and

(ii) Within four (4) years after the allocation date, a Mississippi small business investment company must invest an amount equal to at least fifty percent (50%) of its designated capital in qualified investments.

(b) Before making a proposed qualified investment in a specific business, a Mississippi small business investment company must request from the MDA a written determination that the proposed investment will qualify as a qualified investment in a qualified business and comply with the Mississippi small business investment company's business plan previously approved by the MDA. The MDA must notify a Mississippi small business investment company within ten (10) business days from the receipt of a request of its determination and an explanation thereof. If the MDA determines that the proposed investment does not meet the definition of a qualified investment, qualified business or comply with the Mississippi small business investment company's business plan, the MDA may nevertheless consider the proposed investment a qualified investment or a qualified business if the MDA determines that the proposed investment will further economic development. A Mississippi small business investment company may at any time apply to the MDA to amend its business plan, which the MDA may approve if it determines that the proposed amendment will further economic development in the state.

(c) All designated capital not invested in qualified investments by a Mississippi small business investment company shall be held or invested in the manner the Mississippi small

business investment company deems appropriate within the limits of this chapter. Designated capital and proceeds of designated capital returned to a Mississippi small business investment company after being originally invested in qualified investments may be invested * * * in additional qualified investments and the investment shall * * * count toward the requirements of paragraph (a) of this subsection (1) and of Section 57-115-9(1)(c) with respect to making investments of designated capital in qualified investments, provided that the qualified business returning the initial qualified investment of the designated capital:

(i) Returns the capital pursuant to regularly scheduled amortization payments;

(ii) Returns the capital after a change in control or sale of the company or substantially all of its assets;

(iii) Returns the capital to the Mississippi small business investment company after defaulting on the terms of the qualified investment; or

(iv) Has attracted follow-on investment equal to the amount returned to the Mississippi small business investment company from a source other than a Mississippi small business investment company.

(d) (i) If, within five (5) years after its allocation date, a Mississippi small business investment company has not invested at least eighty-five percent (85%) of its designated capital in qualified investments, the Mississippi small business investment company shall not be permitted to pay management fees until it has invested such amount of designated capital in qualified investments.

(ii) If within seven (7) years after its allocation date, a Mississippi small business investment company has no longer invested at least one hundred percent (100%) of its designated capital in qualified investments, the Mississippi small

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business investment company shall not be permitted to pay management fees.

(2) (a) Each Mississippi small business investment company must report the following to the MDA and the Department of Revenue:

(i) As soon as practicable after the receipt of designated capital:

1. The name of each participating investor from which the designated capital was received, and each participating investor's affiliates that may claim credits, including the insurance tax identification number of the participating investor and its affiliates, if any;

2. The amount of each participating investor's investment of designated capital; and

3. The date on which the designated capital was received;

(ii) On an annual basis, on or before January 31 of each year:

1. The amount of the Mississippi small business investment company's designated capital that remains to be invested in qualified investments at the end of the immediately preceding taxable year;

2. Whether or not the Mississippi small business investment company has invested more than fifteen percent (15%) of its total designated capital in any one (1) qualified business;

3. All qualified investments that the Mississippi small business investment company has made in the previous taxable year, including the number of employees of each qualified business in which it has made investments at the time of the investment and as of December 1 of the preceding taxable year;

4. For any qualified business where the Mississippi small business investment company no longer has an

investment, the Mississippi small business investment company must provide employment figures for that business as of the last day before the investment was terminated;

(iii) Other information that the MDA and/or the Department of Revenue may reasonably request that will help the MDA ascertain the impact of the Mississippi small business investment company program both directly and indirectly on the economy of the State of Mississippi including, but not limited to, the number of jobs created by qualified businesses that have received qualified investments; and

(iv) Within ninety (90) days after the close of its fiscal year, annual audited financial statements of the Mississippi small business investment company, which must include the opinion of an independent certified public accountant.

(b) A Mississippi small business investment company must pay to the MDA an annual, nonrefundable certification fee of Two Thousand Five Hundred Dollars (\$2,500.00) on or before April 1, or Five Thousand Dollars (\$5,000.00) if later. However, no annual certification fee is required if the payment date for the fee is within six (6) months of the date a Mississippi small business investment company is first certified by the MDA.

(c) Upon satisfying the requirements of subsection (1)(a)(ii) of this section, a Mississippi small business investment company shall provide notice of the satisfaction to the MDA, and the MDA shall, within sixty (60) days of receipt of the notice, either confirm that the Mississippi small business investment company has satisfied the requirements of subsection (1)(a)(ii) of this section as of that date or provide notice of noncompliance and an explanation of any existing deficiencies.

(3) (a) A Mississippi small business investment company may make qualified distributions at any time. In order for a Mississippi small business investment company to make a

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distribution other than a qualified distribution to its equity holders:

(i) The qualified investments of the Mississippi small business investment company must equal or exceed one hundred percent (100%) of its designated capital; and

(ii) The Mississippi small business investment company must attract follow-on investment from sources other than itself or another Mississippi small business investment company in the qualified businesses in which it made qualified investments equal to one hundred percent (100%) of its designated capital.

(b) For all distributions other than qualified distributions, if the Mississippi small business investment company has not met or exceeded the jobs creation and retention goal agreed to by the MDA and the Mississippi small business investment company in its application and the MDA has not waived this requirement as a result of project location and business sector, the Mississippi small business investment company shall pay all such distributions to the state as a fee until the Mississippi small business investment company has paid to the state an amount equal to the penalty amount. For purposes of this section, the penalty amount shall equal one percent (1%) of the cumulative management fees previously paid by the Mississippi small business investment company for every one percent (1%) by which a Mississippi small business investment company fails to meet the jobs creation goal agreed to by the MDA and the Mississippi small business investment company in its application.

SECTION 4. Section 57-115-9, Mississippi Code of 1972, is amended as follows:

57-115-9. (1) (a) The MDA, or at its discretion the department, shall conduct an annual review of each Mississippi small business investment company to determine if a Mississippi small business investment company is abiding by the requirements of certification and to ensure that no investment has been made in

violation this chapter. The cost of the annual review must be paid by each Mississippi small business investment company according to a reasonable fee schedule adopted by the MDA and/or the department. In the event the department conducts the annual review, the department shall provide copies of the review to the MDA. The MDA shall provide copies of each Mississippi small business investment company's annual review to the Mississippi small business investment company reviewed.

(b) Any material violation of this chapter, including any material misrepresentation made to the MDA in connection with the application process, may be grounds for decertification of a Mississippi small business investment company and the disallowance of credits under this chapter, provided that in all instances the MDA shall provide notice to the Mississippi small business investment company of the grounds of the proposed decertification. The Mississippi small business investment company shall have at least one hundred twenty (120) days from receipt of notice from the MDA to remedy any violation before the decertification becomes effective.

(c) After a Mississippi small business investment company has invested an amount cumulatively equal to one hundred percent (100%) of its designated capital in qualified investments, provided that the Mississippi small business investment company has met all other requirements under this chapter as of that date, the Mississippi small business investment company shall no longer be subject to regulation by the MDA or the department or the reporting requirements under Section 57-115-7(2). Upon receiving certification by a Mississippi small business investment company that it has invested an amount equal to one hundred percent (100%) of its designated capital, the MDA must notify a Mississippi small business investment company within sixty (60) days that it has or has not met the requirements, with a reason for the determination if it has not met the requirements.

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(d) The MDA must send written notice of any decertification proceedings to the Department of Revenue, the department, and to the address of each participating investor whose tax credit may be subject to recapture or forfeiture, using the address shown on the last filing submitted to the MDA.

(2) All investments by participating investors for which tax credits are awarded under this chapter must be registered or specifically exempt from registration.

(3) After January 1, 2015, the MDA must make an annual report to the Governor, the Chairman of the House Ways and Means Committee and Chairman of the Senate Finance Committee. The report must include:

(a) The number of Mississippi small business investment companies holding designated capital;

(b) The amount of designated capital invested in each Mississippi small business investment company;

(c) The cumulative amount that each Mississippi small business investment company has invested as of January 1, 2015, and the cumulative total each year thereafter;

(d) The cumulative amount of follow-on capital that the investments of each Mississippi small business investment company have created in terms of capital invested in qualified businesses at the same time or subsequent to investments made by a Mississippi small business investment company in the businesses by sources other than a Mississippi small business investment company;

(e) The total amount of investment tax credits applied for and allocated under this chapter for each year;

(f) The performance of each Mississippi small business investment company with regard to the requirements for continued certification;

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(g) The classification of the companies in which each Mississippi small business investment company has invested according to industrial sector and size of company;

(h) The gross number of jobs created by investments made by each Mississippi small business investment company and the number of jobs retained;

(i) The location of the companies in which each Mississippi small business investment company has invested;

(j) Those Mississippi small business investment companies that have been decertified, including the reasons for decertification; and

(k) Other related information necessary to evaluate the effect of this chapter on economic development.

SECTION 5. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2661

Description: Distinctive Motor Vehicle license tag; authorize for supporters of various organizations.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2012

Chapter Number: 534

History of Actions:

- 1 02/20 (S) Referred To Finance
- 2 03/01 (S) Title Suff Do Pass Comm Sub
- 3 03/12 (S) Committee Substitute Adopted
- 4 03/12 (S) Passed
- 5 03/12 (S) Motion to Reconsider Entered
- 6 03/16 (S) Reconsidered
- 7 03/16 (S) Amended
- 8 03/16 (S) Passed As Amended
- 9 03/20 (S) Transmitted To House
- 10 03/21 (H) Referred To Ways and Means
- 11 03/27 (H) Title Suff Do Pass As Amended
- 12 03/27 (H) Read the Third Time
- 13 04/04 (H) Amended
- 14 04/04 (H) Passed As Amended
- 15 04/05 (H) Returned For Concurrence
- 16 04/10 (S) Decline to Concur/Invite Conf
- 17 04/24 (S) Conferees Named Fillingane, Flowers, Massey
- 18 04/25 (H) Conferees Named Zuber, Brown (20th), Turner
- 19 04/27 (H) Conference Report Filed
- 20 04/27 (S) Conference Report Filed
- 21 04/28 (H) Conference Report Adopted
- 22 04/30 (S) Conference Report Adopted
- 23 05/07 (S) Enrolled Bill Signed
- 24 05/08 (H) Enrolled Bill Signed
- 25 05/22 Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub) *Adopted*

[S] Amendment No 2 (Cmte Sub) *Adopted*

[S] Amendment No 3 (Cmte Sub) *Adopted*

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2661

Conference Reports:

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Conference Report

Code Section: A 027-0019-0044, A 027-0019-0051, A 027-0019-0056.14,
A 027-0019-0056.15, A 027-0019-0056.47, A 027-0019-0056.72, A 027-0019-0056.74,
A 027-0019-0056.172, A 027-0019-0056.176, A 027-0019-0056.195,
A 027-0019-0056.246, A 027-0019-0056.261, A 027-0019-0056.281, A 027-0019-0035

----- Additional Information -----

Senate Committee: Finance

House Committee: Ways and Means

Principal Author: Fillingane

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Fillingane

To: Finance

SENATE BILL NO. 2661
(As Sent to Governor)

AN ACT TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE MISSISSIPPI LAW ENFORCEMENT OFFICERS' TRAINING ACADEMY, EAST CENTRAL HIGH SCHOOL, RESURRECTION CATHOLIC SCHOOL, THE MISSISSIPPI SCHOOL FOR MATHEMATICS AND SCIENCE, SAINT ANDREWS EPISCOPAL SCHOOL, THE MISSISSIPPI TRUCKING ASSOCIATION FOUNDATION, INC., THE MISSISSIPPI LAW ENFORCEMENT OFFICERS' ASSOCIATION, THE CATCH-A-DREAM FOUNDATION, NEW ALBANY HIGH SCHOOL, OXFORD HIGH SCHOOL, LAFAYETTE HIGH SCHOOL, GERMANTOWN HIGH SCHOOL, COLUMBUS AIR FORCE BASE, THE JIMMIE RODGERS MEMORIAL MUSEUM, MISSISSIPPI EMERGENCY SERVICES ASSOCIATION, THE MISSISSIPPI DAMAGE PREVENTION COUNCIL, THE MISSISSIPPI SWIMMING ASSOCIATION, NORTHWEST RANKIN HIGH SCHOOL ATHLETICS, THE SOUTHERN PINES ANIMAL SHELTER, BIG BROTHERS BIG SISTERS OF MISSISSIPPI, INC., KOSSUTH HIGH SCHOOL, PHI KAPPA TAU FRATERNITY, CORINTH HIGH SCHOOL, THE MISSISSIPPI GOLF ASSOCIATION, ALCORN CENTRAL HIGH SCHOOL, BIGGERSVILLE HIGH SCHOOL, THE SISTERS WITH A THROTTLE MOTORCYCLE CLUB, THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT, THE MIND CENTER AT THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER, THE JUVENILE DIABETES RESEARCH FOUNDATION, HOMES OF HOPE FOR CHILDREN, INC., AND THE MISSISSIPPI BOW HUNTERS ASSOCIATION, INC.; TO PRESCRIBE AN ADDITIONAL FEE FOR THE ISSUANCE OF SUCH LICENSE TAGS AND TO PROVIDE FOR THE DISTRIBUTION OF THE ADDITIONAL FEES COLLECTED; TO AUTHORIZE THE ISSUANCE OF A DISTINCTIVE MOTOR VEHICLE LICENSE TAG FOR RESIDENTS OF THIS STATE WHO ARE ON ACTIVE DUTY WITH THE UNITED STATES MARINE CORPS; TO PRESCRIBE AN ADDITIONAL FEE FOR THE ISSUANCE OF SUCH TAGS AND TO PROVIDE FOR THE DISTRIBUTION OF THE ADDITIONAL FEES COLLECTED; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE MEMBERS OF WAHABI SHRINE TEMPLE IN MISSISSIPPI, JOPPA SHRINE TEMPLE IN MISSISSIPPI AND HAMASA SHRINE TEMPLE IN MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF A DISTINCTIVE MOTOR VEHICLE LICENSE TAG HONORING THE TUSKEGEE AIRMEN; TO PRESCRIBE AN ADDITIONAL FEE FOR THE ISSUANCE OF SUCH LICENSE TAGS AND TO PROVIDE FOR THE DISTRIBUTION OF THE ADDITIONAL FEES COLLECTED; TO AUTHORIZE THE ISSUANCE OF A DISTINCTIVE CYSTIC FIBROSIS AWARENESS MOTOR VEHICLE LICENSE TAG; TO PRESCRIBE AN ADDITIONAL FEE FOR THE ISSUANCE OF SUCH LICENSE TAG AND TO PROVIDE FOR THE DISTRIBUTION OF THE ADDITIONAL FEES COLLECTED; TO AMEND SECTION 27-19-44, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PROOF MUST BE SUBMITTED TO THE DEPARTMENT OF REVENUE THAT AT LEAST 100 OF THE LICENSE TAGS FOR SUPPORTERS OF THE JUVENILE DIABETES RESEARCH FOUNDATION WILL BE PURCHASED AND THE AMOUNT NECESSARY TO PURCHASE 100 OF SUCH LICENSE TAGS OR PLATES MUST BE DEPOSITED WITH THE DEPARTMENT IN ORDER TO PERMIT SUCH LICENSE TAGS OR PLATES TO BE PRODUCED; TO PROVIDE THAT THE DISTINCTIVE MOTOR VEHICLE LICENSE TAG AUTHORIZED TO BE ISSUED TO SUPPORTERS OF THE MISSISSIPPI LAW ENFORCEMENT

OFFICERS' TRAINING ACADEMY AND TO RESIDENTS OF THIS STATE WHO ARE ON ACTIVE DUTY WITH THE UNITED STATES MARINE CORPS SHALL BE EXEMPT FROM THE REQUIREMENT THAT PROOF MUST BE SUBMITTED TO THE DEPARTMENT OF REVENUE THAT A CERTAIN NUMBER OF SUCH TAGS WILL BE PURCHASED AND THAT THE AMOUNT NECESSARY TO PURCHASE SUCH TAGS MUST BE DEPOSITED WITH THE DEPARTMENT WITHIN THREE YEARS AFTER THE EFFECTIVE DATE OF THE LAW AUTHORIZING THE TAG BEFORE THE TAG MAY BE PRODUCED; TO AMEND SECTION 27-19-51, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DISTINCTIVE MOTOR VEHICLE LICENSE PLATES OR TAGS AUTHORIZED TO BE ISSUED TO ACTIVE DUTY OR RETIRED MEMBERS OF THE NATIONAL GUARD OF MISSISSIPPI TO BE ISSUED TO MISSISSIPPIS WHO ARE ACTIVE DUTY OR RETIRED MEMBERS OF THE ARMY OR AIR NATIONAL GUARD OF OTHER STATES; TO AMEND SECTION 27-19-56.14, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTORCYCLE LICENSE TAGS TO MEMBERS OF THE GRAND LODGE OF MISSISSIPPI, FREE AND ACCEPTED MASONS, AND WIVES, WIDOWS, UNMARRIED DAUGHTERS AND UNMARRIED SISTERS OF SUCH PERSONS; TO AMEND SECTION 27-19-56.15, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS THAT DISPLAY THE EMBLEM OF A PUBLIC OR PRIVATE UNIVERSITY LOCATED IN ANOTHER STATE; TO REVISE THE DISTRIBUTION OF FEES COLLECTED FROM THE ISSUANCE OF DISTINCTIVE LICENSE TAGS DISPLAYING THE EMBLEM OF AUBURN UNIVERSITY; TO PROVIDE THAT FEES COLLECTED FROM THE ISSUANCE OF DISTINCTIVE LICENSE TAGS DISPLAYING THE EMBLEM OF THE UNIVERSITY OF OKLAHOMA SHALL BE DISTRIBUTED TO MISSISSIPPI GULF COAST Y.M.C.A., INC.; TO AMEND SECTION 27-19-56.47, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO AIRCRAFT PILOTS; TO AMEND SECTION 27-19-56.72, MISSISSIPPI CODE OF 1972, TO REVISE THE DISTRIBUTION OF FEES COLLECTED FROM THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS ISSUED TO MEMBERS OF THE MISSISSIPPI ASSOCIATION OF REALTORS; TO AMEND SECTION 27-19-56.74, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS IN SUPPORT OF THE PREVENTION OF CHILD ABUSE; TO AMEND SECTION 27-19-56.172, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE MISSISSIPPI ACADEMY OF FAMILY PHYSICIANS FOUNDATION; TO AMEND SECTION 27-19-56.176, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS FOR SUPPORTERS OF THE MISSISSIPPI DENTAL HYGIENISTS ASSOCIATION; TO AMEND SECTION 27-19-56.195, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE PROFESSIONAL FIREFIGHTERS ASSOCIATION OF MISSISSIPPI, TO REAUTHORIZE THE ISSUANCE OF THE TAGS AND TO PROVIDE THAT THE TAGS MAY BE ISSUED ONLY TO MEMBERS OF THE ASSOCIATION; TO AMEND SECTION 27-19-56.246, MISSISSIPPI CODE OF 1972, TO REVISE THE DISTRIBUTION OF FEES COLLECTED FROM THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF PASCAGOULA HIGH SCHOOL TO PROVIDE THAT A PORTION OF THE FEES WILL BE DISTRIBUTED TO THE PASCAGOULA SCHOOL DISTRICT; TO AMEND SECTION 27-19-56.261, MISSISSIPPI CODE OF 1972, TO CORRECT THE SCHOOL NAME FOR THE DISTINCTIVE MOTOR VEHICLE LICENSE TAG AUTHORIZED TO BE ISSUED TO SUPPORTERS OF ST. JOSEPH CATHOLIC SCHOOL; TO AMEND SECTION 27-19-56.281, MISSISSIPPI CODE OF 1972, TO REVISE THE DISTRIBUTION OF FEES COLLECTED FROM THE ISSUANCE OF DISTINCTIVE LICENSE TAGS TO SUPPORTERS OF LANIER HIGH SCHOOL TO PROVIDE THAT A PORTION OF THE FEES WILL BE DISTRIBUTED TO THE LANIER HIGH SCHOOL NATIONAL ALUMNI ASSOCIATION;

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TO AMEND SECTION 27-19-35, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi Law Enforcement Officers' Training Academy. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Commissioner of Public Safety, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the

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time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Law Enforcement Officers' Training Academy Alumni Association.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the

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tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 2. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of East Central High School in Jackson County, Mississippi. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the principal of East Central High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less

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Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to East Central High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

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(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 3. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this

section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Resurrection Catholic School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the principal of Resurrection Catholic School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each

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month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Resurrection Alumni Development Foundation.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by

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Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 4. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi School for Mathematics and Science. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Executive Director of the Mississippi School for Mathematics and Science, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license

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tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi School for Mathematics and Science.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

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(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 5. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Saint Andrews Episcopal School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the head of school of

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Saint Andrews Episcopal School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

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(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Saint Andrews Episcopal School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be

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distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 6. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi Trucking Association Foundation, Inc. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Trucking Association Foundation, Inc., may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the

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time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Trucking Association Foundation, Inc.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the

tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 7. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi Law Enforcement Officers' Association. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Law Enforcement Officers' Association, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less

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Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Law Enforcement Officers' Association.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

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be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 8. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup

trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Catch-A-Dream Foundation. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the Catch-A-Dream Foundation, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

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(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Catch-A-Dream Foundation.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and

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affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 9. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of New Albany High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the principal of New Albany High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license

tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to New Albany High School to support the school's athletic program.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

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(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 10. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Oxford High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the principal of Oxford High School,

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may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

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(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Oxford Endowment for Public Education.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be

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distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 11. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Lafayette High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the principal of Lafayette High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the

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time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Lafayette Endowment for Education.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the

tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 12. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Germantown High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the principal of Germantown High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less

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Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Germantown High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

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(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 13. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this

section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Columbus Air Force Base. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Commander of Columbus Air Force Base, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State

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Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Wounded Warrior Project.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving

such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 14. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Jimmie Rodgers Memorial Museum. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Jimmie Rodgers Foundation, Inc., may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all

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other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Jimmie Rodgers Foundation, Inc.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

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(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 15. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Mississippi Emergency Services Association. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Mississippi Emergency Services Association, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

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(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this

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section shall be distributed to Mississippi Emergency Services Association.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

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SECTION 16. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi Damage Prevention Council. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Damage Prevention Council, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of

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renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Damage Prevention Council.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license

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decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 17. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi Swimming Association. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Swimming Association, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis

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as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Swimming Association.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

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(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 18. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this

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section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Northwest Rankin High School athletics. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Northwest Rankin High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each

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month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Northwest Rankin Cougar Club.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license

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tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 19. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Southern Pines Animal Shelter. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Board of Directors of the Southern Pines Animal Shelter, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag

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applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Southern Pines Animal Shelter.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

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(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 20. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Big Brothers Big Sisters of Mississippi, Inc. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Big Brothers Big Sisters of Mississippi, Inc., may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

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(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty-two Dollars (\$32.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-six Dollars (\$26.00) of each additional fee collected on distinctive license tags issued pursuant to this

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section shall be distributed to the Big Brothers Big Sisters of Mississippi, Inc.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

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SECTION 21. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Kossuth High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Kossuth High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive

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license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Kossuth High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section,

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which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 22. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Phi Kappa Tau Fraternity. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Phi Kappa Tau National Council, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional

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fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Fifty Dollars (\$50.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Forty-four Dollars (\$44.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Phi Kappa Tau Foundation.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund

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to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 23. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Corinth High School. The distinctive license tags so

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issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Corinth High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this

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section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Corinth High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee

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for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 24. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi Golf Association. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Golf Association, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established

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license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Golf Association.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the

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tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 25. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Alcorn Central High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Alcorn Central High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less

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Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Alcorn Central High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

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(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 26. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this

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section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Biggersville High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Biggersville High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each

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month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Biggersville High School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license

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tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 27. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Sisters With A Throttle Motorcycle Club. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Sisters With A Throttle Motorcycle Club, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag

applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Sisters With A Throttle Motorcycle Club.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 28. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Pearl River Valley Water Supply District, also known as "The Rez." The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Executive Committee acting for the Board of Directors of the Pearl River Valley Water Supply District, may

prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

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(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Pearl River Valley Water Supply District for deposit into the district's operation and maintenance fund.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee

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for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 29. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the MIND Center at the University of Mississippi Medical Center. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the MIND Center at the University of Mississippi Medical Center, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a

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period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to a special fund hereby created in the State Treasury to the credit of the MIND Center at the University of Mississippi Medical Center. The fund shall be available for expenditure at the discretion of the University of Mississippi Medical Center for the benefit of the MIND Center.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 30. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Juvenile Diabetes Research Foundation. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Chapter of the Juvenile Diabetes Research Foundation,

may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

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(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Chapter of the Juvenile Diabetes Research Foundation.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be

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distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 31. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Homes of Hope for Children, Inc. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Homes of Hope for Children, Inc., may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the

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time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Homes of Hope for Children, Inc.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under

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this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 32. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi Bow Hunters Association, Inc. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Bow Hunters Association, Inc., may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector,

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shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Bow Hunters Association, Inc.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

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(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 33. (1) In recognition of the patriotic services rendered the United States, Mississippi and the citizens thereof, any resident of the state who is on active duty with the United States Marine Corps, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other

noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive motor vehicle license plate or tag identifying him as an active duty member of the United States Marine Corps. The distinctive license tags so issued shall be of such color and design as the Department of Revenue may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for the distinctive license tag shall present proof of their active duty membership in the United States Marine Corps to the county tax collector. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

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(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Navy-Marine Corps Relief Society.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by

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Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 34. (1) Any owner of a motor vehicle who is a resident of this state and is a member of the Wahabi Shrine Temple in Mississippi, Joppa Shrine Temple in Mississippi or Hamasa Shrine Temple in Mississippi, his wife, widow, mother, daughter or sister, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in subsection (3) of this section, shall be entitled to a special license tag which displays the Shriners International emblem. The distinctive license tag so issued shall be of such color and design as the Department of Revenue, with the advice of the Wahabi Shrine Temple in Mississippi, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official documentation as prescribed by the Department of Revenue evidencing eligibility for the distinctive license tag authorized by this section. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to

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the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Wahabi Shrine Temple in Mississippi. The Wahabi Shrine Temple in Mississippi shall distribute the fees so received to the Joppa Shrine Temple in Mississippi, Hamasa Shrine Temple in Mississippi and Wahabi Shrine Temple in Mississippi, with the fees to be distributed to each of those temples on the basis of the fees generated by the purchase of the distinctive license tags within the counties covered by the

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particular temple boundary. The Department of Revenue shall furnish to the Wahabi Shrine Temple in Mississippi such information as is necessary for the temple to distribute the fees in the manner herein provided. The Wahabi Shrine Temple in Mississippi is authorized to deduct an administrative fee from the fees distributed to the temples in such amount as is approved by the individual temples receiving the fees to be distributed.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving

such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 35. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name honoring the Tuskegee Airmen. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Trail of Honor, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a

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period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Trail of Honor, a nonprofit organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

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(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 36. (1) Any owner of a motor vehicle, who is a resident of this state, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in subsection (3) of this section, shall be issued a special cystic fibrosis awareness license tag for each motor vehicle registered in his name. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Cystic Fibrosis Foundation-Mississippi Chapter, may prescribe, and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

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(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2012, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this

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section shall be disbursed to the Cystic Fibrosis Foundation-Mississippi Chapter.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed proportionately in the same manner as funds from the

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sale of regular distinctive license tags issued under this section.

SECTION 37. Section 27-19-44, Mississippi Code of 1972, is amended as follows:

27-19-44. (1) For any distinctive license tag or plate authorized by the Legislature from and after July 1, 2000, through June 30, 2002, or authorized by Sections 27-19-56.37 and 27-19-56.55, the requirements of this subsection must be met before the Department of Revenue may prepare or issue any such license tag or plate. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must submit proof satisfactory to the Department of Revenue that at least one hundred (100) of such license tags or plates will be purchased and must deposit with the department an amount necessary to purchase one hundred (100) of such license tags or plates. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must satisfy the requirements of this subsection (1) within two (2) years after the effective date of the law authorizing the license tag or plate in order to permit the license tag or plate to be prepared and issued.

(2) Except as otherwise provided in subsection (1) of this section, for any distinctive license tag or plate authorized by the Legislature from and after July 1, 2002, through June 30, 2007, the requirements of this subsection must be met before the Department of Revenue may prepare or issue any such license tag or plate. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must submit proof satisfactory to the Department of Revenue that at least two hundred (200) of such license tags or plates will be purchased and must deposit with the department an amount necessary to purchase two hundred (200) of such license tags or plates. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must satisfy the requirements

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of this subsection (2) within three (3) years after the effective date of the law authorizing the license tag or plate in order to permit the license tag or plate to be prepared and issued.

(3) Except as otherwise provided in this section, Section 27-19-56.56, Section 27-19-56.59, Section 27-19-56.94, Section 27-19-56.7 or Section 27-19-56.85, for any distinctive license tag or plate authorized or reauthorized by the Legislature from and after July 1, 2007, the following requirements must be met before the Department of Revenue may prepare or issue any such license tag or plate:

(a) The organization or other entity for which the Legislature authorized the distinctive license tag or plate must submit proof satisfactory to the Department of Revenue that at least three hundred (300) of such license tags or plates will be purchased and must deposit with the department an amount necessary to purchase three hundred (300) of such license tags or plates.

(b) The organization or other entity for which the Legislature authorized the distinctive license tag or plate must satisfy the requirements of paragraph (a) of this subsection (3) within three (3) years after the effective date of the law authorizing the license tag or plate in order to permit the license tag or plate to be prepared and issued. This paragraph (b) shall not apply to distinctive tags or plates issued under Section 27-19-56.154.

(4) Any distinctive license tag authorized under Sections 27-19-56.186 and 27-19-56.203 and Section 30 of this act must meet the requirements of this subsection before the Department of Revenue may prepare or issue any such license tag or plate. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must submit proof satisfactory to the Department of Revenue that at least one hundred (100) of such license tags or plates will be purchased and must deposit with the department an amount necessary to purchase

one hundred (100) of such license tags or plates. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must satisfy the requirements of this subsection (4) within three (3) years after the effective date of the law authorizing the license tag or plate in order to permit the license tag or plate to be prepared and issued.

(5) If the organization or other entity for which the Legislature authorized the distinctive license tag or plate meets the requirements of subsection (1), (2), (3) or (4) of this section, the Department of Revenue shall prepare and issue the distinctive license tag or plate.

(6) The Department of Revenue shall review the number of distinctive or special license tags or plates issued pursuant to this chapter during the period for the license tag or plate series. If the number of any distinctive or special license tag or plate issued pursuant to this chapter falls below one hundred (100) in the last year of the license tag or plate series, the distinctive or special license tag or plate shall be discontinued at the end of the period for the license tag or plate series.

(7) If a distinctive or special license tag or plate is discontinued under subsection (6) of this section, the organization or other entity for which the license tag or plate was discontinued may prepare a distinctive or special license tag or plate decal. The distinctive or special license tag or plate decal shall be of such size, color and design as may be agreed upon by the organization or other entity and the Department of Revenue. However, the Department of Revenue shall have final approval of the size, color and design of the decal. The distinctive or special license tag or plate decals shall be prepared and sold by the organization or other entity, and the proceeds derived from the sale of such decals shall be retained by the organization or other entity for any use deemed appropriate by the organization or other entity.

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(8) The provisions of this section shall not apply to distinctive or special license tags or plates:

(a) Which are issued under Section 27-19-45, 27-19-46, 27-19-47.1, 27-19-47.2, 27-19-48, 27-19-49, 27-19-53, 27-19-55, 27-19-56, 27-19-56.1, 27-19-56.2, 27-19-56.3, 27-19-56.5, 27-19-56.6, 27-19-56.9, 27-19-56.11, 27-19-56.12, 27-19-56.13, 27-19-56.62, 27-19-56.69, 27-19-56.79, 27-19-56.90, 27-19-56.125, 27-19-56.127, 27-19-56.137, 27-19-56.162, 27-19-56.187, 27-19-56.199, Section 27-19-56.239 or Sections 7 and 33 of this act; or

(b) For which no additional fee is required to be paid.

SECTION 38. Section 27-19-51, Mississippi Code of 1972, is amended as follows:

27-19-51. (1) In recognition of their many and varied patriotic services rendered the state, the United States and the citizens thereof, Mississippians who have completed an active duty career with the Armed Forces of the United States and active duty and retired members of the Army National Guard, Air National Guard * * *, and the United States Reserves, including both enlisted and officer personnel, upon application and subject to the provisions of this section may be issued distinctive motor vehicle license plates or tags identifying these persons with such organizations. For the purposes of this section the term "Armed Forces" includes the United States Merchant Marines and members thereof in maritime service during the period from December 7, 1941 to August 15, 1945. The distinctive plates or tags so issued shall comply with the provisions of Section 27-19-41 and shall be of such color and design as may be agreed upon by the Adjutant General and the Department of Revenue for the Army National Guard or Air National Guard, by the Mississippi chapters of the Retired Officers Association and the Retired Non-Commissioned Officers Association and the Department of Revenue for retired active duty members of the Armed Forces of the United States, and by the

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Department of Revenue for retired members of the United States Merchant Marines. Each distinctive license plate shall bear the words "National Guard" or the name of the appropriate armed service and need not bear prefixed numbers identifying the county of issuance.

(2) The surviving spouse of any person who was issued a distinctive license plate or tag under subsection (1) of this section because of completion of an active duty career with the Armed Forces of the United States or because of retirement from the Army National Guard, Air National Guard or United States Reserves, or any prisoner of war issued a distinctive license plate or tag under Section 27-19-54, shall be eligible to receive the same type of distinctive license plate or tag which the deceased spouse was issued.

(3) The distinctive license plates here provided for shall be prepared by the Department of Revenue and shall be issued through the tax collectors of the several counties of the state in like manner as are other motor vehicle license plates or tags and such officers shall be entitled to their regular fees for such service. Applicants for such distinctive plates shall present to the issuing official proof of their membership in the Army National Guard, Air National Guard * * *, or United States Reserves by means of certificate signed by the commanding officer of such applicant on forms prescribed by the Adjutant General of Mississippi. Retired members of the Armed Forces of the United States applying for such plates shall present to the issuing officials a copy of their active duty retirement orders or other proof of retirement from active service with one of the Armed Forces of the United States. The distinctive license plates or tags so issued shall be used only upon and for personally or jointly owned private passenger vehicles (to include station wagons, recreational motor vehicles and pickup trucks) registered in the name, or jointly in the name, of the member making

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application therefor, and when so issued to such applicant shall be used upon the vehicle for which issued in lieu of the standard license plate or license tag normally issued for such vehicle.

(4) In addition to use of such distinctive-license plates or tags on such personally or jointly owned vehicles, such distinctive plate or tag may be used on state-owned vehicles operated by the State Military Department provided the prefix "MNG" is placed ahead of the number thereon. Motor vehicles for which such distinctive license plates or tags are issued shall be registered by the proper official as are other motor vehicles.

(5) The distinctive license plates issued hereunder shall not be transferable between motor vehicle owners; and in the event the owner of a vehicle bearing such distinctive plate shall sell, trade, exchange or otherwise dispose of the vehicle, such plate shall be retained by the owner to whom issued and returned by the owner to the tax collector of the county or the Department of Revenue, as the case may be.

(6) The Adjutant General is authorized to recognize not more than one hundred (100) senior staff officers, commanders, command sergeants major and senior enlisted advisors by designating the issue of National Guard distinctive license plates or tags numbered "1" through "100." These license plates or tags shall be retained by the individual so designated and may be transferred between vehicles or individuals under procedures established by the Department of Revenue. The Adjutant General is responsible for furnishing the Department of Revenue necessary information to effect issue or transfer of these specially numbered license plates or tags.

(7) National Guard plates or tags shall be prepared and furnished for the licensing year commencing November 1, 1962, and annually thereafter. The Adjutant General shall furnish the Department of Revenue with an estimate of the number of such

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distinctive plates or tags required in each of the several counties of the state.

(8) The provisions of this section are supplementary to the laws of this state pertaining to the licensing of motor vehicles and nothing herein shall be construed as abridging or repealing any of such laws.

SECTION 39. Section 27-19-56.14, Mississippi Code of 1972, is amended as follows:

27-19-56.14. (1) Except as otherwise provided in this section, any owner of a motor vehicle or motorcycle, or both, who is a member of the Grand Lodge of Mississippi, Free and Accepted Masons, his wife, widow, unmarried daughter or unmarried sister, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount of Thirty Dollars (\$30.00), shall be entitled to a special motor vehicle license tag or motorcycle license tag, as applicable, which displays the Freemason emblem and displays the words "Grand Lodge of Mississippi." From and after July 1, 2005, only persons who are members of the Grand Lodge of Mississippi, Free and Accepted Masons, their widows and children of deceased members may apply for and receive a distinctive license tag authorized under this section.

(2) The tags shall be of such color and design as the Department of Revenue shall prescribe subject to the approval of the Mississippi License Tag Commission.

(3) Application for the special license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official documentation from the Grand Lodge

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of Mississippi as prescribed by the Department of Revenue showing their membership in the Grand Lodge of Mississippi. The application and the additional fee, less five percent (5%) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(4) The special license tag shall be issued for a one-year period. The additional annual fee shall be due and payable at the time of renewal registration.

(5) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-five Dollars (\$25.00) of each additional fee collected on special license tags shall be deposited in a special fund hereby created in the State Treasury to the credit of the Grand Lodge of Mississippi. The funds shall be available for expenditure at the discretion of the Grand Lodge of Mississippi.

(b) The remainder of each such additional fee shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

SECTION 40. Section 27-19-56.15, Mississippi Code of 1972, is amended as follows:

27-19-56.15. (1) (a) Beginning with any registration year commencing on or after July 1, 2012, any owner of a motor vehicle who is a resident of this state, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other

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noncommercial motor vehicles, and upon payment of an additional annual fee in the amount of Fifty Dollars (\$50.00), shall be issued a distinctive license tag that displays the emblem of any public or private university of his choice located in another state.

(b) The design of the emblems for the distinctive license tags authorized under this subsection shall be determined by agreement between the Department of Revenue and the governing authorities of public or private universities in the states where the universities are located. Such other design characteristics and information to be contained on such distinctive license tags shall be determined by the Department of Revenue.

(c) Application for the distinctive license tag authorized under this subsection shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee, less Two Dollars (\$2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(d) (i) The Department of Revenue shall deposit all fees that it receives under this subsection into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who, except as otherwise provided in this paragraph (d), shall distribute such collections as follows:

1. Forty-four Dollars (\$44.00) of the additional fees collected from each distinctive license tag issued under this subsection shall be deposited into the State General Fund.

2. One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this

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section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(ii) The Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of Auburn University as follows:

1. Except as otherwise provided in this item 1, Forty-four Dollars (\$44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to the Adult Education Department of the Rankin County School District for the purpose of providing funds for the Rankin County School District GED Scholarship Endowment. However, from and after January 1, 2013, Forty-four Dollars (\$44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to Habitat for Humanity/Metro Jackson, Inc.

2. One Dollar (\$1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars (\$2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

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4. One Dollar (\$1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(iii) The State Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of the University of Alabama as follows:

1. Forty-four Dollars (\$44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to the Friends of Children's Hospital.

2. One Dollar (\$1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars (\$2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar (\$1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(iv) The State Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of the University of South Alabama as follows:

1. Forty-four Dollars (\$44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be deposited into the Mississippi Trauma Care Systems Fund established in Section 41-59-75.

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2. One Dollar (\$1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars (\$2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar (\$1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(v) The State Treasurer shall distribute fees collected under this section from the issuance of distinctive license tags displaying the emblem of the University of Oklahoma as follows:

1. Forty-four Dollars (\$44.00) of each additional fee collected on such distinctive license tags pursuant to this section shall be distributed to Mississippi Gulf Coast Y.M.C.A., Inc.

2. One Dollar (\$1.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

3. Two Dollars (\$2.00) of each additional fee collected on such distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

4. One Dollar (\$1.00) of each additional fee collected on such distinctive license tags issued pursuant to this

section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(2) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(3) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(4) In order for a distinctive license tag for a university to be issued pursuant to this section, the provisions of Section 27-19-44(3) must be satisfied for such university license tag prior to July 1, 2013.

SECTION 41. Section 27-19-56.47, Mississippi Code of 1972, is amended as follows:

27-19-56.47. (1) Beginning with any registration year commencing on or after July 1, 2012, any owner of a motor vehicle who is an aircraft pilot licensed by the Federal Aviation Administration, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional

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fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a private aircraft pilot or a commercial aircraft pilot. The distinctive license tags so issued shall be of such color and design as the Department of Revenue may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the

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issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Air Safety Institute of the Aircraft Owners and Pilots Association.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi * * * Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving

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such application and affidavit shall be entitled to retain and deposit in the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2015.

SECTION 42. Section 27-19-56.72, Mississippi Code of 1972, is amended as follows:

27-19-56.72. (1) Any owner of a motor vehicle, who is a member of the Mississippi Association of Realtors, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in subsection (3), shall be issued a special license tag which displays the blue and gold REALTOR trademark logo on the left side of the license tag. The distinctive license tags so issued shall be of a color and design as the Department of Revenue, with the advice of the Mississippi Association of Realtors, may prescribe, and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the special license tag shall be made to the county tax collector on forms prescribed by the Department of Revenue. Proof of membership in the Mississippi Association of Realtors shall be presented to the county tax collector at the time of the application. An applicant's personal business card on which the REALTOR trademark logo is also printed shall be accepted as proof of membership in the Mississippi Association of Realtors. The application and the additional fee, less Two Dollars (\$2.00)

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thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2003, any person applying for a distinctive tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for distinctive license tags under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag or is no longer affiliated with the Mississippi Association of Realtors, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on special license tags issued pursuant to this section shall be distributed to Mississippi Association of Habitat for Humanity Affiliates, Inc., for use in funding affordable housing projects in Mississippi.

(b) One Dollar (\$1.00) of each additional fee collected on special license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

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(c) Two Dollars (\$2.00) of each additional fee collected on special tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended only for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the license tag.

(6) In case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided in Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 43. Section 27-19-56.74, Mississippi Code of 1972, is amended as follows:

27-19-56.74. (1) Beginning with any registration year commencing on or after July 1, 2012, owners of motor vehicles upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as

prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in subsection (3) of this section, shall be entitled to a distinctive license tag that demonstrates their support for the prevention of child abuse. The tags shall be of such color and design as the Department of Revenue prescribes subject to the approval of the Mississippi License Tag Commission; however, each tag shall display the words "Stop Child Abuse" and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrent with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each

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month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Children's Trust Fund created in Section 93-21-305.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi * * * Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving

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such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2015.

SECTION 44. Section 27-19-56.172, Mississippi Code of 1972, is amended as follows:

27-19-56.172. (1) Beginning with any registration year commencing on or after July 1, 2012, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for each motor vehicle registered in his name identifying such person as a supporter of the Mississippi Academy of Family Physicians Foundation. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Academy of Family Physicians Foundation, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee

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retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Academy of Family Physicians Foundation.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

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(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2015.

SECTION 45. Section 27-19-56.176, Mississippi Code of 1972, is amended as follows:

27-19-56.176. (1) Beginning with any registration year beginning on or after July 1, 2012, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of

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an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for each motor vehicle registered in his name identifying such person as a supporter of the Mississippi Dental Hygienists Association. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Dental Hygienists Association, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify the total fees

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collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Dental Hygienists Association.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and

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deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive tag before July 1, 2015.

SECTION 46. Section 27-19-56.195, Mississippi Code of 1972, is amended as follows:

27-19-56.195. (1) Beginning with any registration year commencing on or after July 1, 2012, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for each motor vehicle registered in his name identifying such person as a member of the Professional Firefighters Association of Mississippi. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Professional Firefighters Association of Mississippi, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present documentation as prescribed by the Department of Revenue showing their membership in the Professional Firefighters Association of Mississippi. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a

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monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2009, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Professional Firefighters Association of Mississippi.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund

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to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2015.

SECTION 47. Section 27-19-56.246, Mississippi Code of 1972, is amended as follows:

27-19-56.246. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup

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trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Pascagoula High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the principal of Pascagoula High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2011, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

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(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Pascagoula School District.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and

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affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 48. Section 27-19-56.261, Mississippi Code of 1972, is amended as follows:

27-19-56.261. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of St. Joseph Catholic School in Madison, Mississippi. The distinctive license tags so issued shall * * * be of such color and design as the Department of Revenue, with the advice of the principal of St. Joseph Catholic School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

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(3) Beginning with any registration year commencing on or after July 1, 2011, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to St. Joseph Catholic School.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

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(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 49. Section 27-19-56.281, Mississippi Code of 1972, is amended as follows:

27-19-56.281. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Lanier High School in Jackson, Mississippi. The

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distinctive license tags so issued shall display the words "Lanier High School Bulldogs" and shall be of such color and design as the Department of Revenue, with the advice of the principal of Lanier High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars (\$2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2011, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars (\$30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the

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issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars (\$24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Lanier High School National Alumni Association.

(b) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars (\$2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar (\$1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars (\$10.00). The tax collector receiving

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such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 50. Section 27-19-35, Mississippi Code of 1972, is amended as follows:

27-19-35. (1) The tag for motorcycles shall be in every respect similar to the ordinary vehicle tag, subject to regulations of the commission, with the exception that it shall be only six (6) inches wide, and three (3) inches high. It shall have the number and abbreviation "MISS." and an appropriate area provided for year and month decals, as aforesaid, and shall be fastened immovably, in an upright position, at the rear of the cycle, so that it will be plainly visible and legible at all times from the rear of the cycle.

(2) Notwithstanding the provisions of this section, personalized license tags and special license tags may be issued for motorcycles as provided in Sections 27-19-48, 27-19-56 and 27-19-56.14.

SECTION 51. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2700

Description: Prescribed Pediatric Extended Care Centers (PPECC); provide for licensure by the State Department of Health and Medicaid reimbursement.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: Passage

Chapter Number: 524

History of Actions:

- 1 02/20 (S) Referred To Public Health and Welfare; Appropriations
- 2 03/01 (S) DR - TSDPCS: PH To AP
- 3 03/06 (S) Title Suff Do Pass Comm Sub
- 4 03/08 (S) Committee Substitute Adopted
- 5 03/08 (S) Tabled Subject To Call
- 6 03/08 (S) Reconsidered
- 7 03/08 (S) Amended
- 8 03/08 (S) Passed As Amended
- 9 03/08 (S) Immediate Release
- 10 03/12 (S) Transmitted To House
- 11 03/14 (H) Referred To Public Health and Human Services
- 12 03/22 (H) Title Suff Do Pass As Amended
- 13 04/04 (H) Amended
- 14 04/04 (H) Passed As Amended
- 15 04/04 (H) Motion to Reconsider Entered (Myers, Mims, Barker)
- 16 04/05 (H) Motion to Reconsider Tabled
- 17 04/05 (H) Returned For Concurrence
- 18 04/12 (S) Decline to Concur/Invite Conf
- 19 04/24 (S) Conferees Named Kirby, Bryan, Burton
- 20 04/25 (H) Conferees Named Mims, Barker, Aldridge
- 21 04/26 (S) Conference Report Filed
- 22 04/26 (H) Conference Report Filed
- 23 04/27 (H) Conference Report Adopted
- 24 04/27 (S) Conference Report Adopted
- 25 05/01 (S) Enrolled Bill Signed
- 26 05/01 (H) Enrolled Bill Signed
- 27 05/16 Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub) *Adopted*

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2700

Conference Reports:

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Conference Report

Code Section: A 043-0013-0117, A 041-0007-0191

----- Additional Information -----

Senate Committee: Public Health and Welfare, Appropriations

House Committee: Public Health and Human Services

Principal Author: Bryan

Additional Authors: Kirby, Burton

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Bryan, Kirby, Burton

To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2700
(As Sent to Governor)

AN ACT TO DEFINE STANDARDS FOR THE LICENSURE OF PRESCRIBED PEDIATRIC EXTENDED CARE (PPEC) CENTERS BY THE STATE DEPARTMENT OF HEALTH; TO PROVIDE DEFINITIONS; TO PROVIDE EXEMPTIONS; TO REQUIRE A LICENSE TO OPERATE A PPEC CENTER IN THIS STATE; TO SET FEES FOR LICENSURE; TO AUTHORIZE THE STATE DEPARTMENT OF HEALTH TO PROMULGATE RULES AND REGULATIONS TO IMPLEMENT STANDARDS FOR THE LICENSURE OF PPEC CENTERS; TO AMEND SECTION 43-13-117, MISSISSIPPI CODE OF 1972, TO AUTHORIZE MEDICAID REIMBURSEMENT FOR THE OPERATION OF PPEC CENTERS; TO AMEND SECTION 41-7-191, MISSISSIPPI CODE OF 1972, TO DIRECT THE STATE DEPARTMENT OF HEALTH TO ISSUE A CERTIFICATE OF NEED TO A NONPROFIT VENTURE FOR A SKILLED NURSING FACILITY TO PROVIDE SKILLED NURSING CARE FOR VENTILATOR DEPENDENT OR OTHERWISE MEDICALLY DEPENDENT PEDIATRIC PATIENTS WHO REQUIRE MEDICAL AND NURSING CARE OR REHABILITATION SERVICES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Legislative intent. It is the intent of the Legislature to develop, establish, and enforce licensure and basic standards for prescribed pediatric extended care centers in order to assure that the centers provide the necessary family-centered medical, developmental, physiological, nutritional, psychosocial and family training services.

SECTION 2. Definitions. As used in this act, the following terms shall be defined as provided in this section:

(a) "Prescribed pediatric extended care center" or "PPEC center" means any building or buildings, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide basic nonresidential services to three (3) or more medically dependent or technologically dependent children who are not related to the owner or operator by blood, marriage or adoption and who require such services. Infants and children considered for admission to a PPEC center

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must have complex medical conditions that require continual care. Prerequisites for admission are a prescription from the child's attending physician and consent of a parent or guardian.

(b) "Licensing agency" means the State Department of Health.

(c) "Basic services" include, but are not limited to, development, implementation and monitoring of a comprehensive protocol of care, developed in conjunction with the parent or guardian, which specifies the medical, nursing, psychosocial and developmental therapies required by the medically dependent or technologically dependent child served as well as the caregiver training needs of the child's legal guardian.

(d) "Owner or operator" means a licensee.

(e) "Medical records" means medical records maintained in accordance with accepted professional standards and practices as specified in the rules implementing this act.

(f) "Medically dependent or technologically dependent child" means a child who because of a medical condition requires continuous therapeutic interventions or skilled nursing supervision which must be prescribed by a licensed physician and administered by, or under the direct supervision of, a licensed registered nurse.

(g) "Supportive services or contracted services" include, but are not limited to, speech therapy, occupational therapy, physical therapy, social work, developmental, child life and psychological services.

SECTION 3. PPEC centers to be licensed; exemptions. (1)

The licensing agency shall license and regulate all PPEC centers in the state that are not exempt under subsection (2) of this section. A license issued by the department is required for the operation of a PPEC center in this state.

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(2) A facility, institution or other place operated by the federal government or any agency of the federal government is exempt from the provisions of this chapter.

SECTION 4. Separate licenses required; fee; exemption. (1)

Separate licenses are required for PPEC centers maintained on separate premises, even though they are operated under the same management. Separate licenses are not required for separate buildings on the same grounds.

(2) An applicant or licensee shall pay a fee for each license application and annual license renewal under this act and applicable rules. The amount of the fee shall be Twenty Dollars (\$20.00) for each licensed bed in the PPEC, with a minimum fee of Five Hundred Dollars (\$500.00) and a maximum fee of Five Thousand Dollars (\$5,000.00).

(3) County-operated or municipally operated PPEC centers applying for licensure under this act are exempt from the payment of license fees.

SECTION 5. Application for license; zoning. In addition to any other information in the application that is required by the licensing agency, the application must contain the location of the facility for which a license is sought and documentation, signed by the appropriate local government official, which states that the applicant has met local zoning requirements.

SECTION 6. Background screening. The licensing agency shall require criminal record background screening and fingerprinting for personnel by the Mississippi Department of Public Safety.

SECTION 7. Denial, suspension, revocation of licensure; administrative fines; grounds. (1) The licensing agency may deny, revoke, and suspend a license and impose an administrative fine as provided in Section 8 of this act for the violation of any provision of this act, or applicable rules.

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(2) Any of the following actions by a PPEC center or its employee is grounds for action by the licensing agency against a PPEC center or its employee:

(a) An intentional or negligent act materially affecting the health or safety of children in the PPEC center.

(b) A violation of the provisions of this act, or applicable rules.

(c) Multiple and repeated violations of this act or of minimum standards or rules adopted under this act.

SECTION 8. Administrative fines; corrective action plans.

(1) (a) If the licensing agency determines that a PPEC center is not in compliance with this act, or applicable rules, the licensing agency may request that the PPEC center submit a corrective action plan that demonstrates a good-faith effort to remedy each violation by a specific date, subject to the approval of the licensing agency.

(b) The licensing agency may fine a PPEC center or employee found in violation of this act, or applicable rules, in an amount not to exceed Five Hundred Dollars (\$500.00) for each violation. Such fine may not exceed Five Thousand Dollars (\$5,000.00) in the aggregate.

(c) The failure to correct a violation by the date set by the licensing agency, or the failure to comply with an approved corrective action plan, is a separate violation for each day that the failure continues, unless the licensing agency approves an extension to a specific date.

(2) In determining if a fine is to be imposed and in fixing the amount of any fine, the licensing agency shall consider the following factors:

(a) The gravity of the violation, including the probability that death or serious physical or emotional harm to a child will result or has resulted, the severity of the actual or

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potential harm, and the extent to which the provisions of the applicable statutes or rules were violated.

(b) Actions taken by the owner or operator to correct violations.

(c) Any previous violations.

(d) The financial benefit to the PPEC center of committing or continuing the violation.

SECTION 9. **Closing of a PPEC center.** Whenever a PPEC center voluntarily discontinues operation, it shall, at least thirty (30) days before the discontinuance of operation, inform each child's legal guardian of the fact and the proposed time of the discontinuance.

SECTION 10. **Rules establishing standards.** (1) To carry out the intention of the Legislature to provide safe and sanitary facilities and healthful programs, the licensing agency shall adopt and publish rules to implement the provisions of this act, which shall include reasonable and fair standards. Any conflict between these standards and those that may be set forth in local, county or city ordinances shall be resolved in favor of those having statewide effect. Those standards shall relate to:

(a) The assurance that PPEC services are family centered and provide individualized medical, developmental and family training services.

(b) The maintenance of PPEC centers, based upon the size of the structure and number of children, relating to plumbing, heating, lighting, ventilation and other building conditions, including adequate space, which will ensure the health, safety, comfort and protection from fire of the children served.

(c) The appropriate provisions of the most recent edition of the "Life Safety Code" shall be applied.

(d) The number and qualifications of all personnel who have responsibility for the care of the children served.

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(e) All sanitary conditions within the PPEC center and its surroundings, including water supply, sewage disposal, food handling and general hygiene, and maintenance thereof, which will ensure the health and comfort of children served.

(f) Programs and basic services promoting and maintaining the health and development of the children served and meeting the training needs of the children's parents or legal guardians.

(g) Supportive, contracted, other operational and transportation services.

(h) Maintenance of appropriate medical records, data and information relative to the children and programs. Those records shall be maintained in the facility for inspection by the agency.

(2) The licensing agency shall adopt rules to ensure that:

(a) No child attends a PPEC center for more than twelve (12) hours within a twenty-four-hour period.

(b) No PPEC center provides services other than those provided to medically or technologically dependent children.

SECTION 11. **Construction and renovation; requirements.** The requirements for the construction or renovation of a PPEC center shall comply with:

(a) All state and local requirements pertaining to building construction standards, including plumbing, electrical code, glass, manufactured buildings, accessibility for the physically disabled;

(b) The minimum standards for physical facilities in the Mississippi Child Care Standards; and

(c) The standards or rules adopted under this act.

SECTION 12. **Penalty for violation.** Any person who violates any provisions of this act is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Ten

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Thousand Dollars (\$10,000.00). Each day of continuing violation is a separate offense.

SECTION 13. Section 43-13-117, Mississippi Code of 1972, is amended as follows:

43-13-117. (A) Medicaid as authorized by this article shall include payment of part or all of the costs, at the discretion of the division, with approval of the Governor, of the following types of care and services rendered to eligible applicants who have been determined to be eligible for that care and services, within the limits of state appropriations and federal matching funds:

(1) Inpatient hospital services.

(a) The division shall allow thirty (30) days of inpatient hospital care annually for all Medicaid recipients. Medicaid recipients requiring transplants shall not have those days included in the transplant hospital stay count against the thirty-day limit for inpatient hospital care. Precertification of inpatient days must be obtained as required by the division.

(b) From and after July 1, 1994, the Executive Director of the Division of Medicaid shall amend the Mississippi Title XIX Inpatient Hospital Reimbursement Plan to remove the occupancy rate penalty from the calculation of the Medicaid Capital Cost Component utilized to determine total hospital costs allocated to the Medicaid program.

(c) Hospitals will receive an additional payment for the implantable programmable baclofen drug pump used to treat spasticity that is implanted on an inpatient basis. The payment pursuant to written invoice will be in addition to the facility's per diem reimbursement and will represent a reduction of costs on the facility's annual cost report, and shall not exceed Ten Thousand Dollars (\$10,000.00) per year per recipient.

(2) Outpatient hospital services.

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(a) Emergency services. The division shall allow six (6) medically necessary emergency room visits per beneficiary per fiscal year.

(b) Other outpatient hospital services. The division shall allow benefits for other medically necessary outpatient hospital services (such as chemotherapy, radiation, surgery and therapy), including outpatient services in a clinic or other facility that is not located inside the hospital, but that has been designated as an outpatient facility by the hospital, and that was in operation or under construction on July 1, 2009, provided that the costs and charges associated with the operation of the hospital clinic are included in the hospital's cost report. In addition, the Medicare thirty-five-mile rule will apply to those hospital clinics not located inside the hospital that are constructed after July 1, 2009. Where the same services are reimbursed as clinic services, the division may revise the rate or methodology of outpatient reimbursement to maintain consistency, efficiency, economy and quality of care.

(3) Laboratory and x-ray services.

(4) Nursing facility services.

(a) The division shall make full payment to nursing facilities for each day, not exceeding fifty-two (52) days per year, that a patient is absent from the facility on home leave. Payment may be made for the following home leave days in addition to the fifty-two-day limitation: Christmas, the day before Christmas, the day after Christmas, Thanksgiving, the day before Thanksgiving and the day after Thanksgiving.

(b) From and after July 1, 1997, the division shall implement the integrated case-mix payment and quality monitoring system, which includes the fair rental system for property costs and in which recapture of depreciation is eliminated. The division may reduce the payment for hospital leave and therapeutic home leave days to the lower of the case-mix

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category as computed for the resident on leave using the assessment being utilized for payment at that point in time, or a case-mix score of 1.000 for nursing facilities, and shall compute case-mix scores of residents so that only services provided at the nursing facility are considered in calculating a facility's per diem.

(c) From and after July 1, 1997, all state-owned nursing facilities shall be reimbursed on a full reasonable cost basis.

(d) When a facility of a category that does not require a certificate of need for construction and that could not be eligible for Medicaid reimbursement is constructed to nursing facility specifications for licensure and certification, and the facility is subsequently converted to a nursing facility under a certificate of need that authorizes conversion only and the applicant for the certificate of need was assessed an application review fee based on capital expenditures incurred in constructing the facility, the division shall allow reimbursement for capital expenditures necessary for construction of the facility that were incurred within the twenty-four (24) consecutive calendar months immediately preceding the date that the certificate of need authorizing the conversion was issued, to the same extent that reimbursement would be allowed for construction of a new nursing facility under a certificate of need that authorizes that construction. The reimbursement authorized in this subparagraph (d) may be made only to facilities the construction of which was completed after June 30, 1989. Before the division shall be authorized to make the reimbursement authorized in this subparagraph (d), the division first must have received approval from the Centers for Medicare and Medicaid Services (CMS) of the change in the state Medicaid plan providing for the reimbursement.

(e) The division shall develop and implement, not later than January 1, 2001, a case-mix payment add-on determined

by time studies and other valid statistical data that will reimburse a nursing facility for the additional cost of caring for a resident who has a diagnosis of Alzheimer's or other related dementia and exhibits symptoms that require special care. Any such case-mix add-on payment shall be supported by a determination of additional cost. The division shall also develop and implement as part of the fair rental reimbursement system for nursing facility beds, an Alzheimer's resident bed depreciation enhanced reimbursement system that will provide an incentive to encourage nursing facilities to convert or construct beds for residents with Alzheimer's or other related dementia.

(f) The division shall develop and implement an assessment process for long-term care services. The division may provide the assessment and related functions directly or through contract with the area agencies on aging.

The division shall apply for necessary federal waivers to assure that additional services providing alternatives to nursing facility care are made available to applicants for nursing facility care.

(5) Periodic screening and diagnostic services for individuals under age twenty-one (21) years as are needed to identify physical and mental defects and to provide health care treatment and other measures designed to correct or ameliorate defects and physical and mental illness and conditions discovered by the screening services, regardless of whether these services are included in the state plan. The division may include in its periodic screening and diagnostic program those discretionary services authorized under the federal regulations adopted to implement Title XIX of the federal Social Security Act, as amended. The division, in obtaining physical therapy services, occupational therapy services, and services for individuals with speech, hearing and language disorders, may enter into a cooperative agreement with the State Department of Education for

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the provision of those services to handicapped students by public school districts using state funds that are provided from the appropriation to the Department of Education to obtain federal matching funds through the division. The division, in obtaining medical and mental health assessments, treatment, care and services for children who are in, or at risk of being put in, the custody of the Mississippi Department of Human Services may enter into a cooperative agreement with the Mississippi Department of Human Services for the provision of those services using state funds that are provided from the appropriation to the Department of Human Services to obtain federal matching funds through the division.

(6) Physician's services. The division shall allow twelve (12) physician visits annually. All fees for physicians' services that are covered only by Medicaid shall be reimbursed at ninety percent (90%) of the rate established on January 1, 1999, and as may be adjusted each July thereafter, under Medicare (Title XVIII of the federal Social Security Act, as amended). The division may develop and implement a different reimbursement model or schedule for physician's services provided by physicians based at an academic health care center and by physicians at rural health centers that are associated with an academic health care center. From and after January 1, 2010, all fees for physicians' services that are covered only by Medicaid shall be increased to ninety percent (90%) of the rate established on January 1, 2010, and as may be adjusted each July thereafter, under Medicare.

(7) (a) Home health services for eligible persons, not to exceed in cost the prevailing cost of nursing facility services, not to exceed twenty-five (25) visits per year. All home health visits must be precertified as required by the division.

(b) [Repealed]

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(8) Emergency medical transportation services. On January 1, 1994, emergency medical transportation services shall be reimbursed at seventy percent (70%) of the rate established under Medicare (Title XVIII of the federal Social Security Act, as amended). "Emergency medical transportation services" shall mean, but shall not be limited to, the following services by a properly permitted ambulance operated by a properly licensed provider in accordance with the Emergency Medical Services Act of 1974 (Section 41-59-1 et seq.): (i) basic life support, (ii) advanced life support, (iii) mileage, (iv) oxygen, (v) intravenous fluids, (vi) disposable supplies, (vii) similar services.

(9) (a) Legend and other drugs as may be determined by the division.

The division shall establish a mandatory preferred drug list. Drugs not on the mandatory preferred drug list shall be made available by utilizing prior authorization procedures established by the division.

The division may seek to establish relationships with other states in order to lower acquisition costs of prescription drugs to include single source and innovator multiple source drugs or generic drugs. In addition, if allowed by federal law or regulation, the division may seek to establish relationships with and negotiate with other countries to facilitate the acquisition of prescription drugs to include single source and innovator multiple source drugs or generic drugs, if that will lower the acquisition costs of those prescription drugs.

The division shall allow for a combination of prescriptions for single source and innovator multiple source drugs and generic drugs to meet the needs of the beneficiaries, not to exceed five (5) prescriptions per month for each noninstitutionalized Medicaid beneficiary, with not more than two (2) of those prescriptions being for single source or innovator multiple source drugs.

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The executive director may approve specific maintenance drugs for beneficiaries with certain medical conditions, which may be prescribed and dispensed in three-month supply increments.

Drugs prescribed for a resident of a psychiatric residential treatment facility must be provided in true unit doses when available. The division may require that drugs not covered by Medicare Part D for a resident of a long-term care facility be provided in true unit doses when available. Those drugs that were originally billed to the division but are not used by a resident in any of those facilities shall be returned to the billing pharmacy for credit to the division, in accordance with the guidelines of the State Board of Pharmacy and any requirements of federal law and regulation. Drugs shall be dispensed to a recipient and only one (1) dispensing fee per month may be charged. The division shall develop a methodology for reimbursing for restocked drugs, which shall include a restock fee as determined by the division not exceeding Seven Dollars and Eighty-two Cents (\$7.82).

The voluntary preferred drug list shall be expanded to function in the interim in order to have a manageable prior authorization system, thereby minimizing disruption of service to beneficiaries.

Except for those specific maintenance drugs approved by the executive director, the division shall not reimburse for any portion of a prescription that exceeds a thirty-one-day supply of the drug based on the daily dosage.

The division shall develop and implement a program of payment for additional pharmacist services, with payment to be based on demonstrated savings, but in no case shall the total payment exceed twice the amount of the dispensing fee.

All claims for drugs for dually eligible Medicare/Medicaid beneficiaries that are paid for by Medicare must be submitted to

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Medicare for payment before they may be processed by the division's online payment system.

The division shall develop a pharmacy policy in which drugs in tamper-resistant packaging that are prescribed for a resident of a nursing facility but are not dispensed to the resident shall be returned to the pharmacy and not billed to Medicaid, in accordance with guidelines of the State Board of Pharmacy.

The division shall develop and implement a method or methods by which the division will provide on a regular basis to Medicaid providers who are authorized to prescribe drugs, information about the costs to the Medicaid program of single source drugs and innovator multiple source drugs, and information about other drugs that may be prescribed as alternatives to those single source drugs and innovator multiple source drugs and the costs to the Medicaid program of those alternative drugs.

Notwithstanding any law or regulation, information obtained or maintained by the division regarding the prescription drug program, including trade secrets and manufacturer or labeler pricing, is confidential and not subject to disclosure except to other state agencies.

(b) Payment by the division for covered multisource drugs shall be limited to the lower of the upper limits established and published by the Centers for Medicare and Medicaid Services (CMS) plus a dispensing fee, or the estimated acquisition cost (EAC) as determined by the division, plus a dispensing fee, or the providers' usual and customary charge to the general public.

Payment for other covered drugs, other than multisource drugs with CMS upper limits, shall not exceed the lower of the estimated acquisition cost as determined by the division, plus a dispensing fee or the providers' usual and customary charge to the general public.

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Payment for nonlegend or over-the-counter drugs covered by the division shall be reimbursed at the lower of the division's estimated shelf price or the providers' usual and customary charge to the general public.

The dispensing fee for each new or refill prescription, including nonlegend or over-the-counter drugs covered by the division, shall be not less than Three Dollars and Ninety-one Cents (\$3.91), as determined by the division.

The division shall not reimburse for single source or innovator multiple source drugs if there are equally effective generic equivalents available and if the generic equivalents are the least expensive.

It is the intent of the Legislature that the pharmacists providers be reimbursed for the reasonable costs of filling and dispensing prescriptions for Medicaid beneficiaries.

(10) (a) Dental care that is an adjunct to treatment of an acute medical or surgical condition; services of oral surgeons and dentists in connection with surgery related to the jaw or any structure contiguous to the jaw or the reduction of any fracture of the jaw or any facial bone; and emergency dental extractions and treatment related thereto. On July 1, 2007, fees for dental care and surgery under authority of this paragraph (10) shall be reimbursed as provided in subparagraph (b). It is the intent of the Legislature that this rate revision for dental services will be an incentive designed to increase the number of dentists who actively provide Medicaid services. This dental services rate revision shall be known as the "James Russell Dumas Medicaid Dental Incentive Program."

The division shall annually determine the effect of this incentive by evaluating the number of dentists who are Medicaid providers, the number who and the degree to which they are actively billing Medicaid, the geographic trends of where dentists are offering what types of Medicaid services and other statistics

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pertinent to the goals of this legislative intent. This data shall be presented to the Chair of the Senate Public Health and Welfare Committee and the Chair of the House Medicaid Committee.

(b) The Division of Medicaid shall establish a fee schedule, to be effective from and after July 1, 2007, for dental services. The schedule shall provide for a fee for each dental service that is equal to a percentile of normal and customary private provider fees, as defined by the Ingenix Customized Fee Analyzer Report, which percentile shall be determined by the division. The schedule shall be reviewed annually by the division and dental fees shall be adjusted to reflect the percentile determined by the division.

(c) For fiscal year 2008, the amount of state funds appropriated for reimbursement for dental care and surgery shall be increased by ten percent (10%) of the amount of state fund expenditures for that purpose for fiscal year 2007. For each of fiscal years 2009 and 2010, the amount of state funds appropriated for reimbursement for dental care and surgery shall be increased by ten percent (10%) of the amount of state fund expenditures for that purpose for the preceding fiscal year.

(d) The division shall establish an annual benefit limit of Two Thousand Five Hundred Dollars (\$2,500.00) in dental expenditures per Medicaid-eligible recipient; however, a recipient may exceed the annual limit on dental expenditures provided in this paragraph with prior approval of the division.

(e) The division shall include dental services as a necessary component of overall health services provided to children who are eligible for services.

(f) This paragraph (10) shall stand repealed on July 1, 2012.

(11) Eyeglasses for all Medicaid beneficiaries who have (a) had surgery on the eyeball or ocular muscle that results in a vision change for which eyeglasses or a change in eyeglasses is

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medically indicated within six (6) months of the surgery and is in accordance with policies established by the division, or (b) one (1) pair every five (5) years and in accordance with policies established by the division. In either instance, the eyeglasses must be prescribed by a physician skilled in diseases of the eye or an optometrist, whichever the beneficiary may select.

(12) Intermediate care facility services.

(a) The division shall make full payment to all intermediate care facilities for the mentally retarded for each day, not exceeding eighty-four (84) days per year, that a patient is absent from the facility on home leave. Payment may be made for the following home leave days in addition to the eighty-four-day limitation: Christmas, the day before Christmas, the day after Christmas, Thanksgiving, the day before Thanksgiving and the day after Thanksgiving.

(b) All state-owned intermediate care facilities for the mentally retarded shall be reimbursed on a full reasonable cost basis.

(13) Family planning services, including drugs, supplies and devices, when those services are under the supervision of a physician or nurse practitioner.

(14) Clinic services. Such diagnostic, preventive, therapeutic, rehabilitative or palliative services furnished to an outpatient by or under the supervision of a physician or dentist in a facility that is not a part of a hospital but that is organized and operated to provide medical care to outpatients. Clinic services shall include any services reimbursed as outpatient hospital services that may be rendered in such a facility, including those that become so after July 1, 1991. On July 1, 1999, all fees for physicians' services reimbursed under authority of this paragraph (14) shall be reimbursed at ninety percent (90%) of the rate established on January 1, 1999, and as may be adjusted each July thereafter, under Medicare (Title XVIII

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of the federal Social Security Act, as amended). The division may develop and implement a different reimbursement model or schedule for physician's services provided by physicians based at an academic health care center and by physicians at rural health centers that are associated with an academic health care center.

(15) Home- and community-based services for the elderly and disabled, as provided under Title XIX of the federal Social Security Act, as amended, under waivers, subject to the availability of funds specifically appropriated for that purpose by the Legislature.

(16) Mental health services. Approved therapeutic and case management services (a) provided by an approved regional mental health/intellectual disability center established under Sections 41-19-31 through 41-19-39, or by another community mental health service provider meeting the requirements of the Department of Mental Health to be an approved mental health/intellectual disability center if determined necessary by the Department of Mental Health, using state funds that are provided from the appropriation to the State Department of Mental Health and/or funds transferred to the department by a political subdivision or instrumentality of the state and used to match federal funds under a cooperative agreement between the division and the department, or (b) provided by a facility that is certified by the State Department of Mental Health to provide therapeutic and case management services, to be reimbursed on a fee for service basis, or (c) provided in the community by a facility or program operated by the Department of Mental Health. Any such services provided by a facility described in subparagraph (b) must have the prior approval of the division to be reimbursable under this section. After June 30, 1997, mental health services provided by regional mental health/intellectual disability centers established under Sections 41-19-31 through 41-19-39, or by hospitals as defined in Section 41-9-3(a) and/or their subsidiaries and divisions, or by

psychiatric residential treatment facilities as defined in Section 43-11-1, or by another community mental health service provider meeting the requirements of the Department of Mental Health to be an approved mental health/intellectual disability center if determined necessary by the Department of Mental Health, shall not be included in or provided under any capitated managed care pilot program provided for under paragraph (24) of this section.

(17) Durable medical equipment services and medical supplies. Precertification of durable medical equipment and medical supplies must be obtained as required by the division. The Division of Medicaid may require durable medical equipment providers to obtain a surety bond in the amount and to the specifications as established by the Balanced Budget Act of 1997.

(18) (a) Notwithstanding any other provision of this section to the contrary, as provided in the Medicaid state plan amendment or amendments as defined in Section 43-13-145(10), the division shall make additional reimbursement to hospitals that serve a disproportionate share of low-income patients and that meet the federal requirements for those payments as provided in Section 1923 of the federal Social Security Act and any applicable regulations. It is the intent of the Legislature that the division shall draw down all available federal funds allotted to the state for disproportionate share hospitals. However, from and after January 1, 1999, public hospitals participating in the Medicaid disproportionate share program may be required to participate in an intergovernmental transfer program as provided in Section 1903 of the federal Social Security Act and any applicable regulations.

(b) The division shall establish a Medicare Upper Payment Limits Program, as defined in Section 1902(a)(30) of the federal Social Security Act and any applicable federal regulations, for hospitals, and may establish a Medicare Upper Payment Limits Program for nursing facilities. The division shall

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assess each hospital and, if the program is established for nursing facilities, shall assess each nursing facility, for the sole purpose of financing the state portion of the Medicare Upper Payment Limits Program. The hospital assessment shall be as provided in Section 43-13-145(4) (a) and the nursing facility assessment, if established, shall be based on Medicaid utilization or other appropriate method consistent with federal regulations. The assessment will remain in effect as long as the state participates in the Medicare Upper Payment Limits Program. As provided in the Medicaid state plan amendment or amendments as defined in Section 43-13-145(10), the division shall make additional reimbursement to hospitals and, if the program is established for nursing facilities, shall make additional reimbursement to nursing facilities, for the Medicare Upper Payment Limits, as defined in Section 1902(a) (30) of the federal Social Security Act and any applicable federal regulations.

(19) (a) Perinatal risk management services. The division shall promulgate regulations to be effective from and after October 1, 1988, to establish a comprehensive perinatal system for risk assessment of all pregnant and infant Medicaid recipients and for management, education and follow-up for those who are determined to be at risk. Services to be performed include case management, nutrition assessment/counseling, psychosocial assessment/counseling and health education.

(b) Early intervention system services. The division shall cooperate with the State Department of Health, acting as lead agency, in the development and implementation of a statewide system of delivery of early intervention services, under Part C of the Individuals with Disabilities Education Act (IDEA). The State Department of Health shall certify annually in writing to the executive director of the division the dollar amount of state early intervention funds available that will be utilized as a certified match for Medicaid matching funds. Those funds then

shall be used to provide expanded targeted case management services for Medicaid eligible children with special needs who are eligible for the state's early intervention system. Qualifications for persons providing service coordination shall be determined by the State Department of Health and the Division of Medicaid.

(20) Home- and community-based services for physically disabled approved services as allowed by a waiver from the United States Department of Health and Human Services for home- and community-based services for physically disabled people using state funds that are provided from the appropriation to the State Department of Rehabilitation Services and used to match federal funds under a cooperative agreement between the division and the department, provided that funds for these services are specifically appropriated to the Department of Rehabilitation Services.

(21) Nurse practitioner services. Services furnished by a registered nurse who is licensed and certified by the Mississippi Board of Nursing as a nurse practitioner, including, but not limited to, nurse anesthetists, nurse midwives, family nurse practitioners, family planning nurse practitioners, pediatric nurse practitioners, obstetrics-gynecology nurse practitioners and neonatal nurse practitioners, under regulations adopted by the division. Reimbursement for those services shall not exceed ninety percent (90%) of the reimbursement rate for comparable services rendered by a physician.

(22) Ambulatory services delivered in federally qualified health centers, rural health centers and clinics of the local health departments of the State Department of Health for individuals eligible for Medicaid under this article based on reasonable costs as determined by the division.

(23) Inpatient psychiatric services. Inpatient psychiatric services to be determined by the division for

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recipients under age twenty-one (21) that are provided under the direction of a physician in an inpatient program in a licensed acute care psychiatric facility or in a licensed psychiatric residential treatment facility, before the recipient reaches age twenty-one (21) or, if the recipient was receiving the services immediately before he or she reached age twenty-one (21), before the earlier of the date he or she no longer requires the services or the date he or she reaches age twenty-two (22), as provided by federal regulations. Precertification of inpatient days and residential treatment days must be obtained as required by the division. From and after July 1, 2009, all state-owned and state-operated facilities that provide inpatient psychiatric services to persons under age twenty-one (21) who are eligible for Medicaid reimbursement shall be reimbursed for those services on a full reasonable cost basis.

(24) [Deleted]

(25) [Deleted]

(26) Hospice care. As used in this paragraph, the term "hospice care" means a coordinated program of active professional medical attention within the home and outpatient and inpatient care that treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social and economic stresses that are experienced during the final stages of illness and during dying and bereavement and meets the Medicare requirements for participation as a hospice as provided in federal regulations.

(27) Group health plan premiums and cost sharing if it is cost-effective as defined by the United States Secretary of Health and Human Services.

(28) Other health insurance premiums that are cost-effective as defined by the United States Secretary of Health

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and Human Services. Medicare eligible must have Medicare Part B before other insurance premiums can be paid.

(29) The Division of Medicaid may apply for a waiver from the United States Department of Health and Human Services for home- and community-based services for developmentally disabled people using state funds that are provided from the appropriation to the State Department of Mental Health and/or funds transferred to the department by a political subdivision or instrumentality of the state and used to match federal funds under a cooperative agreement between the division and the department, provided that funds for these services are specifically appropriated to the Department of Mental Health and/or transferred to the department by a political subdivision or instrumentality of the state.

(30) Pediatric skilled nursing services for eligible persons under twenty-one (21) years of age.

(31) Targeted case management services for children with special needs, under waivers from the United States Department of Health and Human Services, using state funds that are provided from the appropriation to the Mississippi Department of Human Services and used to match federal funds under a cooperative agreement between the division and the department.

(32) Care and services provided in Christian Science Sanatoria listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., rendered in connection with treatment by prayer or spiritual means to the extent that those services are subject to reimbursement under Section 1903 of the federal Social Security Act.

(33) Podiatrist services.

(34) Assisted living services as provided through home- and community-based services under Title XIX of the federal Social Security Act, as amended, subject to the availability of funds specifically appropriated for that purpose by the Legislature.

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(35) Services and activities authorized in Sections 43-27-101 and 43-27-103, using state funds that are provided from the appropriation to the Mississippi Department of Human Services and used to match federal funds under a cooperative agreement between the division and the department.

(36) Nonemergency transportation services for Medicaid-eligible persons, to be provided by the Division of Medicaid. The division may contract with additional entities to administer nonemergency transportation services as it deems necessary. All providers shall have a valid driver's license, vehicle inspection sticker, valid vehicle license tags and a standard liability insurance policy covering the vehicle. The division may pay providers a flat fee based on mileage tiers, or in the alternative, may reimburse on actual miles traveled. The division may apply to the Center for Medicare and Medicaid Services (CMS) for a waiver to draw federal matching funds for nonemergency transportation services as a covered service instead of an administrative cost. The PEER Committee shall conduct a performance evaluation of the nonemergency transportation program to evaluate the administration of the program and the providers of transportation services to determine the most cost-effective ways of providing nonemergency transportation services to the patients served under the program. The performance evaluation shall be completed and provided to the members of the Senate Public Health and Welfare Committee and the House Medicaid Committee not later than January 15, 2008.

(37) [Deleted]

(38) Chiropractic services. A chiropractor's manual manipulation of the spine to correct a subluxation, if x-ray demonstrates that a subluxation exists and if the subluxation has resulted in a neuromusculoskeletal condition for which manipulation is appropriate treatment, and related spinal x-rays performed to document these conditions. Reimbursement for

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chiropractic services shall not exceed Seven Hundred Dollars (\$700.00) per year per beneficiary.

(39) Dually eligible Medicare/Medicaid beneficiaries. The division shall pay the Medicare deductible and coinsurance amounts for services available under Medicare, as determined by the division. From and after July 1, 2009, the division shall reimburse crossover claims for inpatient hospital services and crossover claims covered under Medicare Part B in the same manner that was in effect on January 1, 2008, unless specifically authorized by the Legislature to change this method.

(40) [Deleted]

(41) Services provided by the State Department of Rehabilitation Services for the care and rehabilitation of persons with spinal cord injuries or traumatic brain injuries, as allowed under waivers from the United States Department of Health and Human Services, using up to seventy-five percent (75%) of the funds that are appropriated to the Department of Rehabilitation Services from the Spinal Cord and Head Injury Trust Fund established under Section 37-33-261 and used to match federal funds under a cooperative agreement between the division and the department.

(42) Notwithstanding any other provision in this article to the contrary, the division may develop a population health management program for women and children health services through the age of one (1) year. This program is primarily for obstetrical care associated with low birth weight and preterm babies. The division may apply to the federal Centers for Medicare and Medicaid Services (CMS) for a Section 1115 waiver or any other waivers that may enhance the program. In order to effect cost savings, the division may develop a revised payment methodology that may include at-risk capitated payments, and may require member participation in accordance with the terms and conditions of an approved federal waiver.

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(43) The division shall provide reimbursement, according to a payment schedule developed by the division, for smoking cessation medications for pregnant women during their pregnancy and other Medicaid-eligible women who are of child-bearing age.

(44) Nursing facility services for the severely disabled.

(a) Severe disabilities include, but are not limited to, spinal cord injuries, closed head injuries and ventilator dependent patients.

(b) Those services must be provided in a long-term care nursing facility dedicated to the care and treatment of persons with severe disabilities, and shall be reimbursed as a separate category of nursing facilities.

(45) Physician assistant services. Services furnished by a physician assistant who is licensed by the State Board of Medical Licensure and is practicing with physician supervision under regulations adopted by the board, under regulations adopted by the division. Reimbursement for those services shall not exceed ninety percent (90%) of the reimbursement rate for comparable services rendered by a physician.

(46) The division shall make application to the federal Centers for Medicare and Medicaid Services (CMS) for a waiver to develop and provide services for children with serious emotional disturbances as defined in Section 43-14-1(1), which may include home- and community-based services, case management services or managed care services through mental health providers certified by the Department of Mental Health. The division may implement and provide services under this waived program only if funds for these services are specifically appropriated for this purpose by the Legislature, or if funds are voluntarily provided by affected agencies.

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(47) (a) Notwithstanding any other provision in this article to the contrary, the division may develop and implement disease management programs for individuals with high-cost chronic diseases and conditions, including the use of grants, waivers, demonstrations or other projects as necessary.

(b) Participation in any disease management program implemented under this paragraph (47) is optional with the individual. An individual must affirmatively elect to participate in the disease management program in order to participate, and may elect to discontinue participation in the program at any time.

(48) Pediatric long-term acute care hospital services.

(a) Pediatric long-term acute care hospital services means services provided to eligible persons under twenty-one (21) years of age by a freestanding Medicare-certified hospital that has an average length of inpatient stay greater than twenty-five (25) days and that is primarily engaged in providing chronic or long-term medical care to persons under twenty-one (21) years of age.

(b) The services under this paragraph (48) shall be reimbursed as a separate category of hospital services.

(49) The division shall establish copayments and/or coinsurance for all Medicaid services for which copayments and/or coinsurance are allowable under federal law or regulation, and shall set the amount of the copayment and/or coinsurance for each of those services at the maximum amount allowable under federal law or regulation.

(50) Services provided by the State Department of Rehabilitation Services for the care and rehabilitation of persons who are deaf and blind, as allowed under waivers from the United States Department of Health and Human Services to provide home- and community-based services using state funds that are provided from the appropriation to the State Department of Rehabilitation Services or if funds are voluntarily provided by another agency.

(51) Upon determination of Medicaid eligibility and in association with annual redetermination of Medicaid eligibility, beneficiaries shall be encouraged to undertake a physical examination that will establish a base-line level of health and identification of a usual and customary source of care (a medical home) to aid utilization of disease management tools. This physical examination and utilization of these disease management tools shall be consistent with current United States Preventive Services Task Force or other recognized authority recommendations.

For persons who are determined ineligible for Medicaid, the division will provide information and direction for accessing medical care and services in the area of their residence.

(52) Notwithstanding any provisions of this article, the division may pay enhanced reimbursement fees related to trauma care, as determined by the division in conjunction with the State Department of Health, using funds appropriated to the State Department of Health for trauma care and services and used to match federal funds under a cooperative agreement between the division and the State Department of Health. The division, in conjunction with the State Department of Health, may use grants, waivers, demonstrations, or other projects as necessary in the development and implementation of this reimbursement program.

(53) Targeted case management services for high-cost beneficiaries shall be developed by the division for all services under this section.

(54) Adult foster care services pilot program. Social and protective services on a pilot program basis in an approved foster care facility for vulnerable adults who would otherwise need care in a long-term care facility, to be implemented in an area of the state with the greatest need for such program, under the Medicaid Waivers for the Elderly and Disabled program or an assisted living waiver. The division may use grants, waivers, demonstrations or other projects as necessary in the development

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and implementation of this adult foster care services pilot program.

(55) Therapy services. The plan of care for therapy services may be developed to cover a period of treatment for up to six (6) months, but in no event shall the plan of care exceed a six-month period of treatment. The projected period of treatment must be indicated on the initial plan of care and must be updated with each subsequent revised plan of care. Based on medical necessity, the division shall approve certification periods for less than or up to six (6) months, but in no event shall the certification period exceed the period of treatment indicated on the plan of care. The appeal process for any reduction in therapy services shall be consistent with the appeal process in federal regulations.

(56) Prescribed pediatric extended care centers services for medically dependent or technologically dependent children with complex medical conditions that require continual care as prescribed by the child's attending physician, as determined by the division.

(B) Notwithstanding any other provision of this article to the contrary, the division shall reduce the rate of reimbursement to providers for any service provided under this section by five percent (5%) of the allowed amount for that service. However, the reduction in the reimbursement rates required by this subsection (B) shall not apply to inpatient hospital services, nursing facility services, intermediate care facility services, psychiatric residential treatment facility services, pharmacy services provided under subsection (A) (9) of this section, or any service provided by the University of Mississippi Medical Center or a state agency, a state facility or a public agency that either provides its own state match through intergovernmental transfer or certification of funds to the division, or a service for which the federal government sets the reimbursement methodology and rate.

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From and after January 1, 2010, the reduction in the reimbursement rates required by this subsection (B) shall not apply to physicians' services. In addition, the reduction in the reimbursement rates required by this subsection (B) shall not apply to case management services and home-delivered meals provided under the home- and community-based services program for the elderly and disabled by a planning and development district (PDD). Planning and development districts participating in the home- and community-based services program for the elderly and disabled as case management providers shall be reimbursed for case management services at the maximum rate approved by the Centers for Medicare and Medicaid Services (CMS).

(C) The division may pay to those providers who participate in and accept patient referrals from the division's emergency room redirection program a percentage, as determined by the division, of savings achieved according to the performance measures and reduction of costs required of that program. Federally qualified health centers may participate in the emergency room redirection program, and the division may pay those centers a percentage of any savings to the Medicaid program achieved by the centers' accepting patient referrals through the program, as provided in this subsection (C).

(D) Notwithstanding any provision of this article, except as authorized in the following subsection and in Section 43-13-139, neither (a) the limitations on quantity or frequency of use of or the fees or charges for any of the care or services available to recipients under this section, nor (b) the payments, payment methodology as provided below in this subsection (D), or rates of reimbursement to providers rendering care or services authorized under this section to recipients, may be increased, decreased or otherwise changed from the levels in effect on July 1, 1999, unless they are authorized by an amendment to this section by the Legislature. However, the restriction in this subsection shall

not prevent the division from changing the payments, payment methodology as provided below in this subsection (D), or rates of reimbursement to providers without an amendment to this section whenever those changes are required by federal law or regulation, or whenever those changes are necessary to correct administrative errors or omissions in calculating those payments or rates of reimbursement. The prohibition on any changes in payment methodology provided in this subsection (D) shall apply only to payment methodologies used for determining the rates of reimbursement for inpatient hospital services, outpatient hospital services and/or nursing facility services, except as required by federal law, and the federally mandated rebasing of rates as required by the Centers for Medicare and Medicaid Services (CMS) shall not be considered payment methodology for purposes of this subsection (D).

(E) Notwithstanding any provision of this article, no new groups or categories of recipients and new types of care and services may be added without enabling legislation from the Mississippi Legislature, except that the division may authorize those changes without enabling legislation when the addition of recipients or services is ordered by a court of proper authority.

(F) The executive director shall keep the Governor advised on a timely basis of the funds available for expenditure and the projected expenditures. If current or projected expenditures of the division are reasonably anticipated to exceed the amount of funds appropriated to the division for any fiscal year, the Governor, after consultation with the executive director, shall discontinue any or all of the payment of the types of care and services as provided in this section that are deemed to be optional services under Title XIX of the federal Social Security Act, as amended, and when necessary, shall institute any other cost containment measures on any program or programs authorized under the article to the extent allowed under the federal law

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governing that program or programs. However, the Governor shall not be authorized to discontinue or eliminate any service under this section that is mandatory under federal law, or to discontinue or eliminate, or adjust income limits or resource limits for, any eligibility category or group under Section 43-13-115. Applicable in fiscal year 2010 only, no expenditure reductions or cost containments or increases in assessments recommended by the Executive Director of the Division of Medicaid shall be implemented before February 1, unless the division projects a shortfall so great that the entire Health Care Expendable Fund balance would be reduced to zero. Beginning in fiscal year 2010 and in fiscal years thereafter, when Medicaid expenditures are projected to exceed funds available for any quarter in the fiscal year, the division shall submit the expected shortfall information to the PEER Committee, which shall review the computations of the division and report its findings to the Legislative Budget Office within thirty (30) days of such notification by the division, and not later than January 7 in any year. If expenditure reductions or cost containments are implemented, the Governor may implement a maximum amount of state share expenditure reductions to providers, of which hospitals will be responsible for twenty-five percent (25%) of provider reductions as follows: in fiscal year 2010, the maximum amount shall be Twenty-four Million Dollars (\$24,000,000.00); in fiscal year 2011, the maximum amount shall be Thirty-two Million Dollars (\$32,000,000.00); and in fiscal year 2012 and thereafter, the maximum amount shall be Forty Million Dollars (\$40,000,000.00). However, instead of implementing cuts, the hospital share shall be in the form of an additional assessment not to exceed Ten Million Dollars (\$10,000,000.00) as provided in Section 43-13-145(4)(a)(ii). If Medicaid expenditures are projected to exceed the amount of funds appropriated to the division in any fiscal year in excess of the expenditure reductions to providers,

then funds shall be transferred by the State Fiscal Officer from the Health Care Trust Fund into the Health Care Expendable Fund and to the Governor's Office, Division of Medicaid, from the Health Care Expendable Fund, in the amount and at such time as requested by the Governor to reconcile the deficit. If the cost containment measures described above have been implemented and there are insufficient funds in the Health Care Trust Fund to reconcile any remaining deficit in any fiscal year, the Governor shall institute any other additional cost containment measures on any program or programs authorized under this article to the extent allowed under federal law. Hospitals shall be responsible for twenty-five percent (25%) of any additional imposed provider cuts. However, instead of implementing hospital expenditure reductions, the hospital reductions shall be in the form of an additional assessment not to exceed twenty-five percent (25%) of provider expenditure reductions as provided in Section 43-13-145(4) (a) (ii). It is the intent of the Legislature that the expenditures of the division during any fiscal year shall not exceed the amounts appropriated to the division for that fiscal year.

(G) Notwithstanding any other provision of this article, it shall be the duty of each nursing facility, intermediate care facility for the mentally retarded, psychiatric residential treatment facility, and nursing facility for the severely disabled that is participating in the Medicaid program to keep and maintain books, documents and other records as prescribed by the Division of Medicaid in substantiation of its cost reports for a period of three (3) years after the date of submission to the Division of Medicaid of an original cost report, or three (3) years after the date of submission to the Division of Medicaid of an amended cost report.

(H) (1) Notwithstanding any other provision of this article, the division shall not be authorized to implement any

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managed care program, coordinated care program, coordinated care organization, health maintenance organization or similar program in which services are paid for on a capitated basis, beyond the level, scope or location of the program as it existed on October 1, 2008, until on or after January 1, 2010. Any managed care program or coordinated care program implemented by the division under this section shall be limited to a maximum of fifteen percent (15%) of all Medicaid beneficiaries, and any Medicaid beneficiary who is enrolled in the program shall have an annual window of at least thirty (30) days in length during which the beneficiary may disenroll from the program. In addition, any payments made to providers by a managed care organization, coordinated care organization, health maintenance organization or other similar organization under a managed care program or coordinated care program implemented by the division under this section shall be considered to be regular Medicaid payments for the purposes of calculating Medicare Upper Payment Limits (UPL) payments and Disproportionate Share Hospital (DSH) payments to hospitals. The division shall apply for any federal waiver or waivers necessary to implement a managed care program or coordinated care program that meets all of the requirements in this paragraph. If the division does not receive a federal waiver or waivers that authorizes it to implement a managed care program or coordinated care program that meets all of the requirements in this paragraph, then the division shall not be authorized to implement a managed care program or coordinated care program.

(2) All health maintenance organizations, coordinated care organizations or other organizations paid for services on a capitated basis by the division under any managed care program or coordinated care program implemented by the division under this section shall reimburse all providers in those organizations at rates no lower than those provided under this section for beneficiaries who are not participating in those programs.

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(3) No health maintenance organization, coordinated care organization or other organization paid for services on a capitated basis by the division under any managed care program or coordinated care program implemented by the division under this section shall require its providers or beneficiaries to use any pharmacy that ships, mails or delivers prescription drugs or legend drugs or devices.

(4) After a managed care program or coordinated care program is implemented by the division under this section, the PEER Committee shall conduct a comprehensive performance evaluation of the managed care program or coordinated care program, which shall include, but not be limited to, a determination of any cost savings to the division, quality of care to the beneficiaries, and access to care by the beneficiaries. The PEER Committee shall provide regular reports on the status of the managed care program or coordinated care program to the members of the Senate Public Health and Welfare Committee and the House Medicaid Committee, and shall complete the performance evaluation and provide it to the members of those committees not later than December 15, 2011. As a condition of participation in a managed care program or coordinated care program implemented by the division under this section, a provider must agree to provide any information that the PEER Committee requests to conduct the performance evaluation of the program, and all those providers shall fully cooperate with the PEER Committee in any request to provide information to the committee.

(I) The division shall develop and publish reimbursement rates for each APR-DRG proposed by the division at least equal to the prevailing corresponding Medicare DRG rate or a closely related Medicare DRG rate, applying to each hospital, the applicable federal wage index being used by CMS for the hospital's geographic location, but the division shall not implement that rate schedule or APR-DRG methodology until after July 1, 2010.

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The PEER Committee shall study the benefits and liabilities of implementing an APR-DRG reimbursement rate schedule, and report its findings to the members of the Senate Public Health and Welfare Committee and the House Medicaid Committee on or before December 15, 2009.

(J) There shall be no cuts in inpatient and outpatient hospital payments, or allowable days or volumes, as long as the hospital assessment provided in Section 43-13-145 is in effect.

(K) This section shall stand repealed on July 1, 2013.

SECTION 14. Section 41-7-191, Mississippi Code of 1972, is amended as follows:

41-7-191. (1) No person shall engage in any of the following activities without obtaining the required certificate of need:

(a) The construction, development or other establishment of a new health care facility, which establishment shall include the reopening of a health care facility that has ceased to operate for a period of sixty (60) months or more;

(b) The relocation of a health care facility or portion thereof, or major medical equipment, unless such relocation of a health care facility or portion thereof, or major medical equipment, which does not involve a capital expenditure by or on behalf of a health care facility, is within five thousand two hundred eighty (5,280) feet from the main entrance of the health care facility;

(c) Any change in the existing bed complement of any health care facility through the addition or conversion of any beds or the alteration, modernizing or refurbishing of any unit or department in which the beds may be located; however, if a health care facility has voluntarily delicensed some of its existing bed complement, it may later relicense some or all of its delicensed beds without the necessity of having to acquire a certificate of need. The State Department of Health shall maintain a record of

the delicensing health care facility and its voluntarily delicensed beds and continue counting those beds as part of the state's total bed count for health care planning purposes. If a health care facility that has voluntarily delicensed some of its beds later desires to relicense some or all of its voluntarily delicensed beds, it shall notify the State Department of Health of its intent to increase the number of its licensed beds. The State Department of Health shall survey the health care facility within thirty (30) days of that notice and, if appropriate, issue the health care facility a new license reflecting the new contingent of beds. However, in no event may a health care facility that has voluntarily delicensed some of its beds be reissued a license to operate beds in excess of its bed count before the voluntary delicensure of some of its beds without seeking certificate of need approval;

(d) Offering of the following health services if those services have not been provided on a regular basis by the proposed provider of such services within the period of twelve (12) months prior to the time such services would be offered:

- (i) Open-heart surgery services;
- (ii) Cardiac catheterization services;
- (iii) Comprehensive inpatient rehabilitation services;
- (iv) Licensed psychiatric services;
- (v) Licensed chemical dependency services;
- (vi) Radiation therapy services;
- (vii) Diagnostic imaging services of an invasive nature, i.e. invasive digital angiography;
- (viii) Nursing home care as defined in subparagraphs (iv), (vi) and (viii) of Section 41-7-173(h);
- (ix) Home health services;
- (x) Swing-bed services;
- (xi) Ambulatory surgical services;

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(xii) Magnetic resonance imaging services;

(xiii) [Deleted]

(xiv) Long-term care hospital services;

(xv) Positron emission tomography (PET) services;

(e) The relocation of one or more health services from one physical facility or site to another physical facility or site, unless such relocation, which does not involve a capital expenditure by or on behalf of a health care facility, (i) is to a physical facility or site within five thousand two hundred eighty (5,280) feet from the main entrance of the health care facility where the health care service is located, or (ii) is the result of an order of a court of appropriate jurisdiction or a result of pending litigation in such court, or by order of the State Department of Health, or by order of any other agency or legal entity of the state, the federal government, or any political subdivision of either, whose order is also approved by the State Department of Health;

(f) The acquisition or otherwise control of any major medical equipment for the provision of medical services; provided, however, (i) the acquisition of any major medical equipment used only for research purposes, and (ii) the acquisition of major medical equipment to replace medical equipment for which a facility is already providing medical services and for which the State Department of Health has been notified before the date of such acquisition shall be exempt from this paragraph; an acquisition for less than fair market value must be reviewed, if the acquisition at fair market value would be subject to review;

(g) Changes of ownership of existing health care facilities in which a notice of intent is not filed with the State Department of Health at least thirty (30) days prior to the date such change of ownership occurs, or a change in services or bed capacity as prescribed in paragraph (c) or (d) of this subsection as a result of the change of ownership; an acquisition for less

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than fair market value must be reviewed, if the acquisition at fair market value would be subject to review;

(h) The change of ownership of any health care facility defined in subparagraphs (iv), (vi) and (viii) of Section 41-7-173(h), in which a notice of intent as described in paragraph (g) has not been filed and if the Executive Director, Division of Medicaid, Office of the Governor, has not certified in writing that there will be no increase in allowable costs to Medicaid from revaluation of the assets or from increased interest and depreciation as a result of the proposed change of ownership;

(i) Any activity described in paragraphs (a) through (h) if undertaken by any person if that same activity would require certificate of need approval if undertaken by a health care facility;

(j) Any capital expenditure or deferred capital expenditure by or on behalf of a health care facility not covered by paragraphs (a) through (h);

(k) The contracting of a health care facility as defined in subparagraphs (i) through (viii) of Section 41-7-173(h) to establish a home office, subunit, or branch office in the space operated as a health care facility through a formal arrangement with an existing health care facility as defined in subparagraph (ix) of Section 41-7-173(h);

(l) The replacement or relocation of a health care facility designated as a critical access hospital shall be exempt from subsection (1) of this section so long as the critical access hospital complies with all applicable federal law and regulations regarding such replacement or relocation;

(m) Reopening a health care facility that has ceased to operate for a period of sixty (60) months or more, which reopening requires a certificate of need for the establishment of a new health care facility.

(2) The State Department of Health shall not grant approval for or issue a certificate of need to any person proposing the new construction of, addition to, or expansion of any health care facility defined in subparagraphs (iv) (skilled nursing facility) and (vi) (intermediate care facility) of Section 41-7-173(h) or the conversion of vacant hospital beds to provide skilled or intermediate nursing home care, except as hereinafter authorized:

(a) The department may issue a certificate of need to any person proposing the new construction of any health care facility defined in subparagraphs (iv) and (vi) of Section 41-7-173(h) as part of a life care retirement facility, in any county bordering on the Gulf of Mexico in which is located a National Aeronautics and Space Administration facility, not to exceed forty (40) beds. From and after July 1, 1999, there shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the beds in the health care facility that were authorized under this paragraph (a).

(b) The department may issue certificates of need in Harrison County to provide skilled nursing home care for Alzheimer's disease patients and other patients, not to exceed one hundred fifty (150) beds. From and after July 1, 1999, there shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the beds in the nursing facilities that were authorized under this paragraph (b).

(c) The department may issue a certificate of need for the addition to or expansion of any skilled nursing facility that is part of an existing continuing care retirement community located in Madison County, provided that the recipient of the certificate of need agrees in writing that the skilled nursing facility will not at any time participate in the Medicaid program (Section 43-13-101 et seq.) or admit or keep any patients in the skilled nursing facility who are participating in the Medicaid program. This written agreement by the recipient of the

certificate of need shall be fully binding on any subsequent owner of the skilled nursing facility, if the ownership of the facility is transferred at any time after the issuance of the certificate of need. Agreement that the skilled nursing facility will not participate in the Medicaid program shall be a condition of the issuance of a certificate of need to any person under this paragraph (c), and if such skilled nursing facility at any time after the issuance of the certificate of need, regardless of the ownership of the facility, participates in the Medicaid program or admits or keeps any patients in the facility who are participating in the Medicaid program, the State Department of Health shall revoke the certificate of need, if it is still outstanding, and shall deny or revoke the license of the skilled nursing facility, at the time that the department determines, after a hearing complying with due process, that the facility has failed to comply with any of the conditions upon which the certificate of need was issued, as provided in this paragraph and in the written agreement by the recipient of the certificate of need. The total number of beds that may be authorized under the authority of this paragraph (c) shall not exceed sixty (60) beds.

(d) The State Department of Health may issue a certificate of need to any hospital located in DeSoto County for the new construction of a skilled nursing facility, not to exceed one hundred twenty (120) beds, in DeSoto County. From and after July 1, 1999, there shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the beds in the nursing facility that were authorized under this paragraph (d).

(e) The State Department of Health may issue a certificate of need for the construction of a nursing facility or the conversion of beds to nursing facility beds at a personal care facility for the elderly in Lowndes County that is owned and operated by a Mississippi nonprofit corporation, not to exceed

sixty (60) beds. From and after July 1, 1999, there shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the beds in the nursing facility that were authorized under this paragraph (e).

(f) The State Department of Health may issue a certificate of need for conversion of a county hospital facility in Itawamba County to a nursing facility, not to exceed sixty (60) beds, including any necessary construction, renovation or expansion. From and after July 1, 1999, there shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the beds in the nursing facility that were authorized under this paragraph (f).

(g) The State Department of Health may issue a certificate of need for the construction or expansion of nursing facility beds or the conversion of other beds to nursing facility beds in either Hinds, Madison or Rankin County, not to exceed sixty (60) beds. From and after July 1, 1999, there shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the beds in the nursing facility that were authorized under this paragraph (g).

(h) The State Department of Health may issue a certificate of need for the construction or expansion of nursing facility beds or the conversion of other beds to nursing facility beds in either Hancock, Harrison or Jackson County, not to exceed sixty (60) beds. From and after July 1, 1999, there shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the beds in the facility that were authorized under this paragraph (h).

(i) The department may issue a certificate of need for the new construction of a skilled nursing facility in Leake County, provided that the recipient of the certificate of need agrees in writing that the skilled nursing facility will not at any time participate in the Medicaid program (Section 43-13-101 et

seq.) or admit or keep any patients in the skilled nursing facility who are participating in the Medicaid program. This written agreement by the recipient of the certificate of need shall be fully binding on any subsequent owner of the skilled nursing facility, if the ownership of the facility is transferred at any time after the issuance of the certificate of need. Agreement that the skilled nursing facility will not participate in the Medicaid program shall be a condition of the issuance of a certificate of need to any person under this paragraph (i), and if such skilled nursing facility at any time after the issuance of the certificate of need, regardless of the ownership of the facility, participates in the Medicaid program or admits or keeps any patients in the facility who are participating in the Medicaid program, the State Department of Health shall revoke the certificate of need, if it is still outstanding, and shall deny or revoke the license of the skilled nursing facility, at the time that the department determines, after a hearing complying with due process, that the facility has failed to comply with any of the conditions upon which the certificate of need was issued, as provided in this paragraph and in the written agreement by the recipient of the certificate of need. The provision of Section 43-7-193(1) regarding substantial compliance of the projection of need as reported in the current State Health Plan is waived for the purposes of this paragraph. The total number of nursing facility beds that may be authorized by any certificate of need issued under this paragraph (i) shall not exceed sixty (60) beds. If the skilled nursing facility authorized by the certificate of need issued under this paragraph is not constructed and fully operational within eighteen (18) months after July 1, 1994, the State Department of Health, after a hearing complying with due process, shall revoke the certificate of need, if it is still outstanding, and shall not issue a license for the skilled nursing

facility at any time after the expiration of the eighteen-month period.

(j) The department may issue certificates of need to allow any existing freestanding long-term care facility in Tishomingo County and Hancock County that on July 1, 1995, is licensed with fewer than sixty (60) beds. For the purposes of this paragraph (j), the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are waived. From and after July 1, 1999, there shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the beds in the long-term care facilities that were authorized under this paragraph (j).

(k) The department may issue a certificate of need for the construction of a nursing facility at a continuing care retirement community in Lowndes County. The total number of beds that may be authorized under the authority of this paragraph (k) shall not exceed sixty (60) beds. From and after July 1, 2001, the prohibition on the facility participating in the Medicaid program (Section 43-13-101 et seq.) that was a condition of issuance of the certificate of need under this paragraph (k) shall be revised as follows: The nursing facility may participate in the Medicaid program from and after July 1, 2001, if the owner of the facility on July 1, 2001, agrees in writing that no more than thirty (30) of the beds at the facility will be certified for participation in the Medicaid program, and that no claim will be submitted for Medicaid reimbursement for more than thirty (30) patients in the facility in any month or for any patient in the facility who is in a bed that is not Medicaid-certified. This written agreement by the owner of the facility shall be a condition of licensure of the facility, and the agreement shall be fully binding on any subsequent owner of the facility if the ownership of the facility is transferred at any time after July 1,

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2001. After this written agreement is executed, the Division of Medicaid and the State Department of Health shall not certify more than thirty (30) of the beds in the facility for participation in the Medicaid program. If the facility violates the terms of the written agreement by admitting or keeping in the facility on a regular or continuing basis more than thirty (30) patients who are participating in the Medicaid program, the State Department of Health shall revoke the license of the facility, at the time that the department determines, after a hearing complying with due process, that the facility has violated the written agreement.

(l) Provided that funds are specifically appropriated therefor by the Legislature, the department may issue a certificate of need to a rehabilitation hospital in Hinds County for the construction of a sixty-bed long-term care nursing facility dedicated to the care and treatment of persons with severe disabilities including persons with spinal cord and closed-head injuries and ventilator dependent patients. The provisions of Section 41-7-193(1) regarding substantial compliance with projection of need as reported in the current State Health Plan are hereby waived for the purpose of this paragraph.

(m) The State Department of Health may issue a certificate of need to a county-owned hospital in the Second Judicial District of Panola County for the conversion of not more than seventy-two (72) hospital beds to nursing facility beds, provided that the recipient of the certificate of need agrees in writing that none of the beds at the nursing facility will be certified for participation in the Medicaid program (Section 43-13-101 et seq.), and that no claim will be submitted for Medicaid reimbursement in the nursing facility in any day or for any patient in the nursing facility. This written agreement by the recipient of the certificate of need shall be a condition of the issuance of the certificate of need under this paragraph, and the agreement shall be fully binding on any subsequent owner of

the nursing facility if the ownership of the nursing facility is transferred at any time after the issuance of the certificate of need. After this written agreement is executed, the Division of Medicaid and the State Department of Health shall not certify any of the beds in the nursing facility for participation in the Medicaid program. If the nursing facility violates the terms of the written agreement by admitting or keeping in the nursing facility on a regular or continuing basis any patients who are participating in the Medicaid program, the State Department of Health shall revoke the license of the nursing facility, at the time that the department determines, after a hearing complying with due process, that the nursing facility has violated the condition upon which the certificate of need was issued, as provided in this paragraph and in the written agreement. If the certificate of need authorized under this paragraph is not issued within twelve (12) months after July 1, 2001, the department shall deny the application for the certificate of need and shall not issue the certificate of need at any time after the twelve-month period, unless the issuance is contested. If the certificate of need is issued and substantial construction of the nursing facility beds has not commenced within eighteen (18) months after July 1, 2001, the State Department of Health, after a hearing complying with due process, shall revoke the certificate of need if it is still outstanding, and the department shall not issue a license for the nursing facility at any time after the eighteen-month period. Provided, however, that if the issuance of the certificate of need is contested, the department shall require substantial construction of the nursing facility beds within six (6) months after final adjudication on the issuance of the certificate of need.

(n) The department may issue a certificate of need for the new construction, addition or conversion of skilled nursing facility beds in Madison County, provided that the recipient of

the certificate of need agrees in writing that the skilled nursing facility will not at any time participate in the Medicaid program (Section 43-13-101 et seq.) or admit or keep any patients in the skilled nursing facility who are participating in the Medicaid program. This written agreement by the recipient of the certificate of need shall be fully binding on any subsequent owner of the skilled nursing facility, if the ownership of the facility is transferred at any time after the issuance of the certificate of need. Agreement that the skilled nursing facility will not participate in the Medicaid program shall be a condition of the issuance of a certificate of need to any person under this paragraph (n), and if such skilled nursing facility at any time after the issuance of the certificate of need, regardless of the ownership of the facility, participates in the Medicaid program or admits or keeps any patients in the facility who are participating in the Medicaid program, the State Department of Health shall revoke the certificate of need, if it is still outstanding, and shall deny or revoke the license of the skilled nursing facility, at the time that the department determines, after a hearing complying with due process, that the facility has failed to comply with any of the conditions upon which the certificate of need was issued, as provided in this paragraph and in the written agreement by the recipient of the certificate of need. The total number of nursing facility beds that may be authorized by any certificate of need issued under this paragraph (n) shall not exceed sixty (60) beds. If the certificate of need authorized under this paragraph is not issued within twelve (12) months after July 1, 1998, the department shall deny the application for the certificate of need and shall not issue the certificate of need at any time after the twelve-month period, unless the issuance is contested. If the certificate of need is issued and substantial construction of the nursing facility beds has not commenced within eighteen (18) months after July 1, 1998, the State Department of Health, after a

hearing complying with due process, shall revoke the certificate of need if it is still outstanding, and the department shall not issue a license for the nursing facility at any time after the eighteen-month period. Provided, however, that if the issuance of the certificate of need is contested, the department shall require substantial construction of the nursing facility beds within six (6) months after final adjudication on the issuance of the certificate of need.

(o) The department may issue a certificate of need for the new construction, addition or conversion of skilled nursing facility beds in Leake County, provided that the recipient of the certificate of need agrees in writing that the skilled nursing facility will not at any time participate in the Medicaid program (Section 43-13-101 et seq.) or admit or keep any patients in the skilled nursing facility who are participating in the Medicaid program. This written agreement by the recipient of the certificate of need shall be fully binding on any subsequent owner of the skilled nursing facility, if the ownership of the facility is transferred at any time after the issuance of the certificate of need. Agreement that the skilled nursing facility will not participate in the Medicaid program shall be a condition of the issuance of a certificate of need to any person under this paragraph (o), and if such skilled nursing facility at any time after the issuance of the certificate of need, regardless of the ownership of the facility, participates in the Medicaid program or admits or keeps any patients in the facility who are participating in the Medicaid program, the State Department of Health shall revoke the certificate of need, if it is still outstanding, and shall deny or revoke the license of the skilled nursing facility, at the time that the department determines, after a hearing complying with due process, that the facility has failed to comply with any of the conditions upon which the certificate of need was issued, as provided in this paragraph and in the written agreement

by the recipient of the certificate of need. The total number of nursing facility beds that may be authorized by any certificate of need issued under this paragraph (o) shall not exceed sixty (60) beds. If the certificate of need authorized under this paragraph is not issued within twelve (12) months after July 1, 2001, the department shall deny the application for the certificate of need and shall not issue the certificate of need at any time after the twelve-month period, unless the issuance is contested. If the certificate of need is issued and substantial construction of the nursing facility beds has not commenced within eighteen (18) months after July 1, 2001, the State Department of Health, after a hearing complying with due process, shall revoke the certificate of need if it is still outstanding, and the department shall not issue a license for the nursing facility at any time after the eighteen-month period. Provided, however, that if the issuance of the certificate of need is contested, the department shall require substantial construction of the nursing facility beds within six (6) months after final adjudication on the issuance of the certificate of need.

(p) The department may issue a certificate of need for the construction of a municipally owned nursing facility within the Town of Belmont in Tishomingo County, not to exceed sixty (60) beds, provided that the recipient of the certificate of need agrees in writing that the skilled nursing facility will not at any time participate in the Medicaid program (Section 43-13-101 et seq.) or admit or keep any patients in the skilled nursing facility who are participating in the Medicaid program. This written agreement by the recipient of the certificate of need shall be fully binding on any subsequent owner of the skilled nursing facility, if the ownership of the facility is transferred at any time after the issuance of the certificate of need. Agreement that the skilled nursing facility will not participate in the Medicaid program shall be a condition of the issuance of a

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certificate of need to any person under this paragraph (p), and if such skilled nursing facility at any time after the issuance of the certificate of need, regardless of the ownership of the facility, participates in the Medicaid program or admits or keeps any patients in the facility who are participating in the Medicaid program, the State Department of Health shall revoke the certificate of need, if it is still outstanding, and shall deny or revoke the license of the skilled nursing facility, at the time that the department determines, after a hearing complying with due process, that the facility has failed to comply with any of the conditions upon which the certificate of need was issued, as provided in this paragraph and in the written agreement by the recipient of the certificate of need. The provision of Section 43-7-193(1) regarding substantial compliance of the projection of need as reported in the current State Health Plan is waived for the purposes of this paragraph. If the certificate of need authorized under this paragraph is not issued within twelve (12) months after July 1, 1998, the department shall deny the application for the certificate of need and shall not issue the certificate of need at any time after the twelve-month period, unless the issuance is contested. If the certificate of need is issued and substantial construction of the nursing facility beds has not commenced within eighteen (18) months after July 1, 1998, the State Department of Health, after a hearing complying with due process, shall revoke the certificate of need if it is still outstanding, and the department shall not issue a license for the nursing facility at any time after the eighteen-month period. Provided, however, that if the issuance of the certificate of need is contested, the department shall require substantial construction of the nursing facility beds within six (6) months after final adjudication on the issuance of the certificate of need.

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(q) (i) Beginning on July 1, 1999, the State Department of Health shall issue certificates of need during each of the next four (4) fiscal years for the construction or expansion of nursing facility beds or the conversion of other beds to nursing facility beds in each county in the state having a need for fifty (50) or more additional nursing facility beds, as shown in the fiscal year 1999 State Health Plan, in the manner provided in this paragraph (q). The total number of nursing facility beds that may be authorized by any certificate of need authorized under this paragraph (q) shall not exceed sixty (60) beds.

(ii) Subject to the provisions of subparagraph (v), during each of the next four (4) fiscal years, the department shall issue six (6) certificates of need for new nursing facility beds, as follows: During fiscal years 2000, 2001 and 2002, one (1) certificate of need shall be issued for new nursing facility beds in the county in each of the four (4) Long-Term Care Planning Districts designated in the fiscal year 1999 State Health Plan that has the highest need in the district for those beds; and two (2) certificates of need shall be issued for new nursing facility beds in the two (2) counties from the state at large that have the highest need in the state for those beds, when considering the need on a statewide basis and without regard to the Long-Term Care Planning Districts in which the counties are located. During fiscal year 2003, one (1) certificate of need shall be issued for new nursing facility beds in any county having a need for fifty (50) or more additional nursing facility beds, as shown in the fiscal year 1999 State Health Plan, that has not received a certificate of need under this paragraph (q) during the three (3) previous fiscal years. During fiscal year 2000, in addition to the six (6) certificates of need authorized in this subparagraph, the department also shall issue a certificate of need for new nursing facility beds in Amite County and a certificate of need for new nursing facility beds in Carroll County.

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(iii) Subject to the provisions of subparagraph (v), the certificate of need issued under subparagraph (ii) for nursing facility beds in each Long-Term Care Planning District during each fiscal year shall first be available for nursing facility beds in the county in the district having the highest need for those beds, as shown in the fiscal year 1999 State Health Plan. If there are no applications for a certificate of need for nursing facility beds in the county having the highest need for those beds by the date specified by the department, then the certificate of need shall be available for nursing facility beds in other counties in the district in descending order of the need for those beds, from the county with the second highest need to the county with the lowest need, until an application is received for nursing facility beds in an eligible county in the district.

(iv) Subject to the provisions of subparagraph (v), the certificate of need issued under subparagraph (ii) for nursing facility beds in the two (2) counties from the state at large during each fiscal year shall first be available for nursing facility beds in the two (2) counties that have the highest need in the state for those beds, as shown in the fiscal year 1999 State Health Plan, when considering the need on a statewide basis and without regard to the Long-Term Care Planning Districts in which the counties are located. If there are no applications for a certificate of need for nursing facility beds in either of the two (2) counties having the highest need for those beds on a statewide basis by the date specified by the department, then the certificate of need shall be available for nursing facility beds in other counties from the state at large in descending order of the need for those beds on a statewide basis, from the county with the second highest need to the county with the lowest need, until an application is received for nursing facility beds in an eligible county from the state at large.

(v) If a certificate of need is authorized to be issued under this paragraph (q) for nursing facility beds in a county on the basis of the need in the Long-Term Care Planning District during any fiscal year of the four-year period, a certificate of need shall not also be available under this paragraph (q) for additional nursing facility beds in that county on the basis of the need in the state at large, and that county shall be excluded in determining which counties have the highest need for nursing facility beds in the state at large for that fiscal year. After a certificate of need has been issued under this paragraph (q) for nursing facility beds in a county during any fiscal year of the four-year period, a certificate of need shall not be available again under this paragraph (q) for additional nursing facility beds in that county during the four-year period, and that county shall be excluded in determining which counties have the highest need for nursing facility beds in succeeding fiscal years.

(vi) If more than one (1) application is made for a certificate of need for nursing home facility beds available under this paragraph (q), in Yalobusha, Newton or Tallahatchie County, and one (1) of the applicants is a county-owned hospital located in the county where the nursing facility beds are available, the department shall give priority to the county-owned hospital in granting the certificate of need if the following conditions are met:

1. The county-owned hospital fully meets all applicable criteria and standards required to obtain a certificate of need for the nursing facility beds; and
2. The county-owned hospital's qualifications for the certificate of need, as shown in its application and as determined by the department, are at least equal to the qualifications of the other applicants for the certificate of need.

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(r) (i) Beginning on July 1, 1999, the State Department of Health shall issue certificates of need during each of the next two (2) fiscal years for the construction or expansion of nursing facility beds or the conversion of other beds to nursing facility beds in each of the four (4) Long-Term Care Planning Districts designated in the fiscal year 1999 State Health Plan, to provide care exclusively to patients with Alzheimer's disease.

(ii) Not more than twenty (20) beds may be authorized by any certificate of need issued under this paragraph (r), and not more than a total of sixty (60) beds may be authorized in any Long-Term Care Planning District by all certificates of need issued under this paragraph (r). However, the total number of beds that may be authorized by all certificates of need issued under this paragraph (r) during any fiscal year shall not exceed one hundred twenty (120) beds, and the total number of beds that may be authorized in any Long-Term Care Planning District during any fiscal year shall not exceed forty (40) beds. Of the certificates of need that are issued for each Long-Term Care Planning District during the next two (2) fiscal years, at least one (1) shall be issued for beds in the northern part of the district, at least one (1) shall be issued for beds in the central part of the district, and at least one (1) shall be issued for beds in the southern part of the district.

(iii) The State Department of Health, in consultation with the Department of Mental Health and the Division of Medicaid, shall develop and prescribe the staffing levels, space requirements and other standards and requirements that must be met with regard to the nursing facility beds authorized under this paragraph (r) to provide care exclusively to patients with Alzheimer's disease.

(s) The State Department of Health may issue a certificate of need to a nonprofit skilled nursing facility using

the Green House model of skilled nursing care and located in Yazoo City, Yazoo County, Mississippi, for the construction, expansion or conversion of not more than nineteen (19) nursing facility beds. For purposes of this paragraph (s), the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan and the provisions of Section 41-7-197 requiring a formal certificate of need hearing process are waived. There shall be no prohibition or restrictions on participation in the Medicaid program for the person receiving the certificate of need authorized under this paragraph (s).

(t) The State Department of Health shall issue certificates of need to the owner of a nursing facility in operation at the time of Hurricane Katrina in Hancock County that was not operational on December 31, 2005, because of damage sustained from Hurricane Katrina to authorize the following: (i) the construction of a new nursing facility in Harrison County; (ii) the relocation of forty-nine (49) nursing facility beds from the Hancock County facility to the new Harrison County facility; (iii) the establishment of not more than twenty (20) non-Medicaid nursing facility beds at the Hancock County facility; and (iv) the establishment of not more than twenty (20) non-Medicaid beds at the new Harrison County facility. The certificates of need that authorize the non-Medicaid nursing facility beds under subparagraphs (iii) and (iv) of this paragraph (t) shall be subject to the following conditions: The owner of the Hancock County facility and the new Harrison County facility must agree in writing that no more than fifty (50) of the beds at the Hancock County facility and no more than forty-nine (49) of the beds at the Harrison County facility will be certified for participation in the Medicaid program, and that no claim will be submitted for Medicaid reimbursement for more than fifty (50) patients in the Hancock County facility in any month, or for more than forty-nine

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(49) patients in the Harrison County facility in any month, or for any patient in either facility who is in a bed that is not Medicaid-certified. This written agreement by the owner of the nursing facilities shall be a condition of the issuance of the certificates of need under this paragraph (t), and the agreement shall be fully binding on any later owner or owners of either facility if the ownership of either facility is transferred at any time after the certificates of need are issued. After this written agreement is executed, the Division of Medicaid and the State Department of Health shall not certify more than fifty (50) of the beds at the Hancock County facility or more than forty-nine (49) of the beds at the Harrison County facility for participation in the Medicaid program. If the Hancock County facility violates the terms of the written agreement by admitting or keeping in the facility on a regular or continuing basis more than fifty (50) patients who are participating in the Medicaid program, or if the Harrison County facility violates the terms of the written agreement by admitting or keeping in the facility on a regular or continuing basis more than forty-nine (49) patients who are participating in the Medicaid program, the State Department of Health shall revoke the license of the facility that is in violation of the agreement, at the time that the department determines, after a hearing complying with due process, that the facility has violated the agreement.

(u) The State Department of Health shall issue a certificate of need to a nonprofit venture for the establishment, construction and operation of a skilled nursing facility of not more than sixty (60) beds to provide skilled nursing care for ventilator dependent or otherwise medically dependent pediatric patients who require medical and nursing care or rehabilitation services to be located in a county in which an academic medical center and a children's hospital are located, and for any construction and for the acquisition of equipment related to those

beds. The facility shall be authorized to keep such ventilator dependent or otherwise medically dependent pediatric patients beyond age twenty-one (21) in accordance with regulations of the State Board of Health. For purposes of this paragraph (u), the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are waived, and the provisions of Section 41-7-197 requiring a formal certificate of need hearing process are waived. The beds authorized by this paragraph shall be counted as pediatric skilled nursing facility beds for health planning purposes under Section 41-7-171 et seq. There shall be no prohibition of or restrictions on participation in the Medicaid program for the person receiving the certificate of need authorized by this paragraph.

(3) The State Department of Health may grant approval for and issue certificates of need to any person proposing the new construction of, addition to, conversion of beds of or expansion of any health care facility defined in subparagraph (x) (psychiatric residential treatment facility) of Section 41-7-173(h). The total number of beds which may be authorized by such certificates of need shall not exceed three hundred thirty-four (334) beds for the entire state.

(a) Of the total number of beds authorized under this subsection, the department shall issue a certificate of need to a privately owned psychiatric residential treatment facility in Simpson County for the conversion of sixteen (16) intermediate care facility for the mentally retarded (ICF-MR) beds to psychiatric residential treatment facility beds, provided that facility agrees in writing that the facility shall give priority for the use of those sixteen (16) beds to Mississippi residents who are presently being treated in out-of-state facilities.

(b) Of the total number of beds authorized under this subsection, the department may issue a certificate or certificates

of need for the construction or expansion of psychiatric residential treatment facility beds or the conversion of other beds to psychiatric residential treatment facility beds in Warren County, not to exceed sixty (60) psychiatric residential treatment facility beds, provided that the facility agrees in writing that no more than thirty (30) of the beds at the psychiatric residential treatment facility will be certified for participation in the Medicaid program (Section 43-13-101 et seq.) for the use of any patients other than those who are participating only in the Medicaid program of another state, and that no claim will be submitted to the Division of Medicaid for Medicaid reimbursement for more than thirty (30) patients in the psychiatric residential treatment facility in any day or for any patient in the psychiatric residential treatment facility who is in a bed that is not Medicaid-certified. This written agreement by the recipient of the certificate of need shall be a condition of the issuance of the certificate of need under this paragraph, and the agreement shall be fully binding on any subsequent owner of the psychiatric residential treatment facility if the ownership of the facility is transferred at any time after the issuance of the certificate of need. After this written agreement is executed, the Division of Medicaid and the State Department of Health shall not certify more than thirty (30) of the beds in the psychiatric residential treatment facility for participation in the Medicaid program for the use of any patients other than those who are participating only in the Medicaid program of another state. If the psychiatric residential treatment facility violates the terms of the written agreement by admitting or keeping in the facility on a regular or continuing basis more than thirty (30) patients who are participating in the Mississippi Medicaid program, the State Department of Health shall revoke the license of the facility, at the time that the department determines, after a hearing complying with due process, that the facility has violated the condition

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upon which the certificate of need was issued, as provided in this paragraph and in the written agreement.

The State Department of Health, on or before July 1, 2002, shall transfer the certificate of need authorized under the authority of this paragraph (b), or reissue the certificate of need if it has expired, to River Region Health System.

(c) Of the total number of beds authorized under this subsection, the department shall issue a certificate of need to a hospital currently operating Medicaid-certified acute psychiatric beds for adolescents in DeSoto County, for the establishment of a forty-bed psychiatric residential treatment facility in DeSoto County, provided that the hospital agrees in writing (i) that the hospital shall give priority for the use of those forty (40) beds to Mississippi residents who are presently being treated in out-of-state facilities, and (ii) that no more than fifteen (15) of the beds at the psychiatric residential treatment facility will be certified for participation in the Medicaid program (Section 43-13-101 et seq.), and that no claim will be submitted for Medicaid reimbursement for more than fifteen (15) patients in the psychiatric residential treatment facility in any day or for any patient in the psychiatric residential treatment facility who is in a bed that is not Medicaid-certified. This written agreement by the recipient of the certificate of need shall be a condition of the issuance of the certificate of need under this paragraph, and the agreement shall be fully binding on any subsequent owner of the psychiatric residential treatment facility if the ownership of the facility is transferred at any time after the issuance of the certificate of need. After this written agreement is executed, the Division of Medicaid and the State Department of Health shall not certify more than fifteen (15) of the beds in the psychiatric residential treatment facility for participation in the Medicaid program. If the psychiatric residential treatment facility violates the terms of the written agreement by admitting

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or keeping in the facility on a regular or continuing basis more than fifteen (15) patients who are participating in the Medicaid program, the State Department of Health shall revoke the license of the facility, at the time that the department determines, after a hearing complying with due process, that the facility has violated the condition upon which the certificate of need was issued, as provided in this paragraph and in the written agreement.

(d) Of the total number of beds authorized under this subsection, the department may issue a certificate or certificates of need for the construction or expansion of psychiatric residential treatment facility beds or the conversion of other beds to psychiatric treatment facility beds, not to exceed thirty (30) psychiatric residential treatment facility beds, in either Alcorn, Tishomingo, Prentiss, Lee, Itawamba, Monroe, Chickasaw, Pontotoc, Calhoun, Lafayette, Union, Benton or Tippah County.

(e) Of the total number of beds authorized under this subsection (3) the department shall issue a certificate of need to a privately owned, nonprofit psychiatric residential treatment facility in Hinds County for an eight-bed expansion of the facility, provided that the facility agrees in writing that the facility shall give priority for the use of those eight (8) beds to Mississippi residents who are presently being treated in out-of-state facilities.

(f) The department shall issue a certificate of need to a one-hundred-thirty-four-bed specialty hospital located on twenty-nine and forty-four one-hundredths (29.44) commercial acres at 5900 Highway 39 North in Meridian (Lauderdale County), Mississippi, for the addition, construction or expansion of child/adolescent psychiatric residential treatment facility beds in Lauderdale County. As a condition of issuance of the certificate of need under this paragraph, the facility shall give priority in admissions to the child/adolescent psychiatric

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residential treatment facility beds authorized under this paragraph to patients who otherwise would require out-of-state placement. The Division of Medicaid, in conjunction with the Department of Human Services, shall furnish the facility a list of all out-of-state patients on a quarterly basis. Furthermore, notice shall also be provided to the parent, custodial parent or guardian of each out-of-state patient notifying them of the priority status granted by this paragraph. For purposes of this paragraph, the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are waived. The total number of child/adolescent psychiatric residential treatment facility beds that may be authorized under the authority of this paragraph shall be sixty (60) beds. There shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the person receiving the certificate of need authorized under this paragraph or for the beds converted pursuant to the authority of that certificate of need.

(4) (a) From and after July 1, 1993, the department shall not issue a certificate of need to any person for the new construction of any hospital, psychiatric hospital or chemical dependency hospital that will contain any child/adolescent psychiatric or child/adolescent chemical dependency beds, or for the conversion of any other health care facility to a hospital, psychiatric hospital or chemical dependency hospital that will contain any child/adolescent psychiatric or child/adolescent chemical dependency beds, or for the addition of any child/adolescent psychiatric or child/adolescent chemical dependency beds in any hospital, psychiatric hospital or chemical dependency hospital, or for the conversion of any beds of another category in any hospital, psychiatric hospital or chemical dependency hospital to child/adolescent psychiatric or

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child/adolescent chemical dependency beds, except as hereinafter authorized:

(i) The department may issue certificates of need to any person for any purpose described in this subsection, provided that the hospital, psychiatric hospital or chemical dependency hospital does not participate in the Medicaid program (Section 43-13-101 et seq.) at the time of the application for the certificate of need and the owner of the hospital, psychiatric hospital or chemical dependency hospital agrees in writing that the hospital, psychiatric hospital or chemical dependency hospital will not at any time participate in the Medicaid program or admit or keep any patients who are participating in the Medicaid program in the hospital, psychiatric hospital or chemical dependency hospital. This written agreement by the recipient of the certificate of need shall be fully binding on any subsequent owner of the hospital, psychiatric hospital or chemical dependency hospital, if the ownership of the facility is transferred at any time after the issuance of the certificate of need. Agreement that the hospital, psychiatric hospital or chemical dependency hospital will not participate in the Medicaid program shall be a condition of the issuance of a certificate of need to any person under this subparagraph (i), and if such hospital, psychiatric hospital or chemical dependency hospital at any time after the issuance of the certificate of need, regardless of the ownership of the facility, participates in the Medicaid program or admits or keeps any patients in the hospital, psychiatric hospital or chemical dependency hospital who are participating in the Medicaid program, the State Department of Health shall revoke the certificate of need, if it is still outstanding, and shall deny or revoke the license of the hospital, psychiatric hospital or chemical dependency hospital, at the time that the department determines, after a hearing complying with due process, that the hospital, psychiatric hospital or chemical dependency hospital has

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failed to comply with any of the conditions upon which the certificate of need was issued, as provided in this subparagraph (i) and in the written agreement by the recipient of the certificate of need.

(ii) The department may issue a certificate of need for the conversion of existing beds in a county hospital in Choctaw County from acute care beds to child/adolescent chemical dependency beds. For purposes of this subparagraph (ii), the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are waived. The total number of beds that may be authorized under authority of this subparagraph shall not exceed twenty (20) beds. There shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the hospital receiving the certificate of need authorized under this subparagraph or for the beds converted pursuant to the authority of that certificate of need.

(iii) The department may issue a certificate or certificates of need for the construction or expansion of child/adolescent psychiatric beds or the conversion of other beds to child/adolescent psychiatric beds in Warren County. For purposes of this subparagraph (iii), the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are waived. The total number of beds that may be authorized under the authority of this subparagraph shall not exceed twenty (20) beds. There shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the person receiving the certificate of need authorized under this subparagraph or for the beds converted pursuant to the authority of that certificate of need.

If by January 1, 2002, there has been no significant commencement of construction of the beds authorized under this

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subparagraph (iii), or no significant action taken to convert existing beds to the beds authorized under this subparagraph, then the certificate of need that was previously issued under this subparagraph shall expire. If the previously issued certificate of need expires, the department may accept applications for issuance of another certificate of need for the beds authorized under this subparagraph, and may issue a certificate of need to authorize the construction, expansion or conversion of the beds authorized under this subparagraph.

(iv) The department shall issue a certificate of need to the Region 7 Mental Health/Retardation Commission for the construction or expansion of child/adolescent psychiatric beds or the conversion of other beds to child/adolescent psychiatric beds in any of the counties served by the commission. For purposes of this subparagraph (iv), the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are waived. The total number of beds that may be authorized under the authority of this subparagraph shall not exceed twenty (20) beds. There shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the person receiving the certificate of need authorized under this subparagraph or for the beds converted pursuant to the authority of that certificate of need.

(v) The department may issue a certificate of need to any county hospital located in Leflore County for the construction or expansion of adult psychiatric beds or the conversion of other beds to adult psychiatric beds, not to exceed twenty (20) beds, provided that the recipient of the certificate of need agrees in writing that the adult psychiatric beds will not at any time be certified for participation in the Medicaid program and that the hospital will not admit or keep any patients who are participating in the Medicaid program in any of such adult

psychiatric beds. This written agreement by the recipient of the certificate of need shall be fully binding on any subsequent owner of the hospital if the ownership of the hospital is transferred at any time after the issuance of the certificate of need. Agreement that the adult psychiatric beds will not be certified for participation in the Medicaid program shall be a condition of the issuance of a certificate of need to any person under this subparagraph (v), and if such hospital at any time after the issuance of the certificate of need, regardless of the ownership of the hospital, has any of such adult psychiatric beds certified for participation in the Medicaid program or admits or keeps any Medicaid patients in such adult psychiatric beds, the State Department of Health shall revoke the certificate of need, if it is still outstanding, and shall deny or revoke the license of the hospital at the time that the department determines, after a hearing complying with due process, that the hospital has failed to comply with any of the conditions upon which the certificate of need was issued, as provided in this subparagraph and in the written agreement by the recipient of the certificate of need.

(vi) The department may issue a certificate or certificates of need for the expansion of child psychiatric beds or the conversion of other beds to child psychiatric beds at the University of Mississippi Medical Center. For purposes of this subparagraph (vi), the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are waived. The total number of beds that may be authorized under the authority of this subparagraph shall not exceed fifteen (15) beds. There shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the hospital receiving the certificate of need authorized under this subparagraph or for the beds converted pursuant to the authority of that certificate of need.

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(b) From and after July 1, 1990, no hospital, psychiatric hospital or chemical dependency hospital shall be authorized to add any child/adolescent psychiatric or child/adolescent chemical dependency beds or convert any beds of another category to child/adolescent psychiatric or child/adolescent chemical dependency beds without a certificate of need under the authority of subsection (1)(c) of this section.

(5) The department may issue a certificate of need to a county hospital in Winston County for the conversion of fifteen (15) acute care beds to geriatric psychiatric care beds.

(6) The State Department of Health shall issue a certificate of need to a Mississippi corporation qualified to manage a long-term care hospital as defined in Section 41-7-173(h)(xii) in Harrison County, not to exceed eighty (80) beds, including any necessary renovation or construction required for licensure and certification, provided that the recipient of the certificate of need agrees in writing that the long-term care hospital will not at any time participate in the Medicaid program (Section 43-13-101 et seq.) or admit or keep any patients in the long-term care hospital who are participating in the Medicaid program. This written agreement by the recipient of the certificate of need shall be fully binding on any subsequent owner of the long-term care hospital, if the ownership of the facility is transferred at any time after the issuance of the certificate of need. Agreement that the long-term care hospital will not participate in the Medicaid program shall be a condition of the issuance of a certificate of need to any person under this subsection (6), and if such long-term care hospital at any time after the issuance of the certificate of need, regardless of the ownership of the facility, participates in the Medicaid program or admits or keeps any patients in the facility who are participating in the Medicaid program, the State Department of Health shall revoke the certificate of need, if it is still outstanding, and shall deny or

revoke the license of the long-term care hospital, at the time that the department determines, after a hearing complying with due process, that the facility has failed to comply with any of the conditions upon which the certificate of need was issued, as provided in this subsection and in the written agreement by the recipient of the certificate of need. For purposes of this subsection, the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are hereby waived.

(7) The State Department of Health may issue a certificate of need to any hospital in the state to utilize a portion of its beds for the "swing-bed" concept. Any such hospital must be in conformance with the federal regulations regarding such swing-bed concept at the time it submits its application for a certificate of need to the State Department of Health, except that such hospital may have more licensed beds or a higher average daily census (ADC) than the maximum number specified in federal regulations for participation in the swing-bed program. Any hospital meeting all federal requirements for participation in the swing-bed program which receives such certificate of need shall render services provided under the swing-bed concept to any patient eligible for Medicare (Title XVIII of the Social Security Act) who is certified by a physician to be in need of such services, and no such hospital shall permit any patient who is eligible for both Medicaid and Medicare or eligible only for Medicaid to stay in the swing beds of the hospital for more than thirty (30) days per admission unless the hospital receives prior approval for such patient from the Division of Medicaid, Office of the Governor. Any hospital having more licensed beds or a higher average daily census (ADC) than the maximum number specified in federal regulations for participation in the swing-bed program which receives such certificate of need shall develop a procedure to insure that before a patient is allowed to stay in the swing

beds of the hospital, there are no vacant nursing home beds available for that patient located within a fifty-mile radius of the hospital. When any such hospital has a patient staying in the swing beds of the hospital and the hospital receives notice from a nursing home located within such radius that there is a vacant bed available for that patient, the hospital shall transfer the patient to the nursing home within a reasonable time after receipt of the notice. Any hospital which is subject to the requirements of the two (2) preceding sentences of this subsection may be suspended from participation in the swing-bed program for a reasonable period of time by the State Department of Health if the department, after a hearing complying with due process, determines that the hospital has failed to comply with any of those requirements.

(8) The Department of Health shall not grant approval for or issue a certificate of need to any person proposing the new construction of, addition to or expansion of a health care facility as defined in subparagraph (viii) of Section 41-7-173(h), except as hereinafter provided: The department may issue a certificate of need to a nonprofit corporation located in Madison County, Mississippi, for the construction, expansion or conversion of not more than twenty (20) beds in a community living program for developmentally disabled adults in a facility as defined in subparagraph (viii) of Section 41-7-173(h). For purposes of this subsection (8), the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan and the provisions of Section 41-7-197 requiring a formal certificate of need hearing process are waived. There shall be no prohibition or restrictions on participation in the Medicaid program for the person receiving the certificate of need authorized under this subsection (8).

(9) The Department of Health shall not grant approval for or issue a certificate of need to any person proposing the

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establishment of, or expansion of the currently approved territory of, or the contracting to establish a home office, subunit or branch office within the space operated as a health care facility as defined in Section 41-7-173(h) (i) through (viii) by a health care facility as defined in subparagraph (ix) of Section 41-7-173(h).

(10) Health care facilities owned and/or operated by the state or its agencies are exempt from the restraints in this section against issuance of a certificate of need if such addition or expansion consists of repairing or renovation necessary to comply with the state licensure law. This exception shall not apply to the new construction of any building by such state facility. This exception shall not apply to any health care facilities owned and/or operated by counties, municipalities, districts, unincorporated areas, other defined persons, or any combination thereof.

(11) The new construction, renovation or expansion of or addition to any health care facility defined in subparagraph (ii) (psychiatric hospital), subparagraph (iv) (skilled nursing facility), subparagraph (vi) (intermediate care facility), subparagraph (viii) (intermediate care facility for the mentally retarded) and subparagraph (x) (psychiatric residential treatment facility) of Section 41-7-173(h) which is owned by the State of Mississippi and under the direction and control of the State Department of Mental Health, and the addition of new beds or the conversion of beds from one category to another in any such defined health care facility which is owned by the State of Mississippi and under the direction and control of the State Department of Mental Health, shall not require the issuance of a certificate of need under Section 41-7-171 et seq., notwithstanding any provision in Section 41-7-171 et seq. to the contrary.

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(12) The new construction, renovation or expansion of or addition to any veterans homes or domiciliaries for eligible veterans of the State of Mississippi as authorized under Section 35-1-19 shall not require the issuance of a certificate of need, notwithstanding any provision in Section 41-7-171 et seq. to the contrary.

(13) [Repealed]

(14) The State Department of Health shall issue a certificate of need to any hospital which is currently licensed for two hundred fifty (250) or more acute care beds and is located in any general hospital service area not having a comprehensive cancer center, for the establishment and equipping of such a center which provides facilities and services for outpatient radiation oncology therapy, outpatient medical oncology therapy, and appropriate support services including the provision of radiation therapy services. The provisions of Section 41-7-193(1) regarding substantial compliance with the projection of need as reported in the current State Health Plan are waived for the purpose of this subsection.

(15) The State Department of Health may authorize the transfer of hospital beds, not to exceed sixty (60) beds, from the North Panola Community Hospital to the South Panola Community Hospital. The authorization for the transfer of those beds shall be exempt from the certificate of need review process.

(16) The State Department of Health shall issue any certificates of need necessary for Mississippi State University and a public or private health care provider to jointly acquire and operate a linear accelerator and a magnetic resonance imaging unit. Those certificates of need shall cover all capital expenditures related to the project between Mississippi State University and the health care provider, including, but not limited to, the acquisition of the linear accelerator, the magnetic resonance imaging unit and other radiological modalities;

the offering of linear accelerator and magnetic resonance imaging services; and the cost of construction of facilities in which to locate these services. The linear accelerator and the magnetic resonance imaging unit shall be (a) located in the City of Starkville, Oktibbeha County, Mississippi; (b) operated jointly by Mississippi State University and the public or private health care provider selected by Mississippi State University through a request for proposals (RFP) process in which Mississippi State University selects, and the Board of Trustees of State Institutions of Higher Learning approves, the health care provider that makes the best overall proposal; (c) available to Mississippi State University for research purposes two-thirds (2/3) of the time that the linear accelerator and magnetic resonance imaging unit are operational; and (d) available to the public or private health care provider selected by Mississippi State University and approved by the Board of Trustees of State Institutions of Higher Learning one-third (1/3) of the time for clinical, diagnostic and treatment purposes. For purposes of this subsection, the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are waived.

(17) The State Department of Health shall issue a certificate of need for the construction of an acute care hospital in Kemper County, not to exceed twenty-five (25) beds, which shall be named the "John C. Stennis Memorial Hospital." In issuing the certificate of need under this subsection, the department shall give priority to a hospital located in Lauderdale County that has two hundred fifteen (215) beds. For purposes of this subsection, the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan and the provisions of Section 41-7-197 requiring a formal certificate of need hearing process are waived. There shall be no prohibition or restrictions on participation in the

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Medicaid program (Section 43-13-101 et seq.) for the person or entity receiving the certificate of need authorized under this subsection or for the beds constructed under the authority of that certificate of need.

(18) Nothing in this section or in any other provision of Section 41-7-171 et seq. shall prevent any nursing facility from designating an appropriate number of existing beds in the facility as beds for providing care exclusively to patients with Alzheimer's disease.

SECTION 15. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2703

Description: Pearl River Valley Water Supply District; revise board appointments, powers and duties.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2012

Chapter Number: 549

History of Actions:

- 1 02/20 (S) Referred To Wildlife, Fisheries and Parks; Appropriations
- 2 03/01 (S) DR - TSDPCS: WI To AP
- 3 03/01 (S) Title Suff Do Pass Comm Sub
- 4 03/08 (S) Committee Substitute Adopted
- 5 03/08 (S) Tabled Subject To Call
- 6 03/13 (S) Passed
- 7 03/14 (S) Transmitted To House
- 8 03/22 (H) Referred To Public Utilities
- 9 03/28 (H) Title Suff Do Pass
- 10 04/04 (H) Failed
- 11 04/04 (H) Motion to Reconsider Entered (McGee, Beckett)
- 12 04/11 (H) Reconsidered
- 13 04/11 (H) Amended
- 14 04/11 (H) Passed As Amended
- 15 04/17 (H) Returned For Concurrence
- 16 04/18 (S) Decline to Concur/Invite Conf
- 17 04/24 (S) Conferees Named Ward, Harkins, Tollison
- 18 04/26 (H) Conferees Named Beckett, McGee, Mettetal
- 19 04/29 (S) Conference Report Filed
- 20 04/29 (H) Conference Report Filed
- 21 04/30 (H) Conference Report Adopted
- 22 04/30 (H) Motion to Reconsider Entered (Calhoun, Beckett, McGee)
- 23 05/01 (H) Motion to Reconsider Tabled
- 24 05/01 (S) Conference Report Adopted
- 25 05/07 (S) Enrolled Bill Signed
- 26 05/08 (H) Enrolled Bill Signed
- 27 05/22 Approved by Governor

Amendments:

[H] Amendment No 1 *Adopted*

[H] Amendment No 2 *Adopted*

Amendment Report for Senate Bill No. 2703

Conference Reports:

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Conference Report

Code Section: A 051-0009-0001, A 051-0009-0107

----- Additional Information -----

Senate Committee: Wildlife, Fisheries and Parks, Appropriations

House Committee: Public Utilities

Principal Author: Harkins

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Harkins

To: Wildlife, Fisheries and
Parks; Appropriations

SENATE BILL NO. 2703
(As Sent to Governor)

AN ACT TO AMEND SECTION 51-9-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE NAMES SUBMITTED TO THE GOVERNOR BY THE BOARDS OF SUPERVISORS OF MADISON COUNTY AND RANKIN COUNTY FOR APPOINTMENT TO THE PEARL RIVER INDUSTRIAL COMMISSION SHALL BE THE NAMES OF PERSONS WHO RESIDE ON AND ARE HOLDERS OF RESIDENTIAL LEASES FROM THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT THAT ARE LOCATED IN MADISON COUNTY AND RANKIN COUNTY, RESPECTIVELY, OR WHO RESIDE IN ESTABLISHED SUBDIVISIONS IN MADISON COUNTY AND RANKIN COUNTY, RESPECTIVELY, IN WHICH SOME OF THE RESIDENTIAL PROPERTY OF THE SUBDIVISION IS LEASED FROM THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT; TO PROVIDE THAT EACH MEMBER OF THE COMMISSION SHALL SERVE FOR A TERM CONCURRENT WITH THAT OF THE GOVERNOR; TO AMEND SECTION 51-9-107, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE ADDITIONAL MEMBERS APPOINTED TO THE BOARD OF DIRECTORS OF THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT BY THE BOARDS OF SUPERVISORS OF MADISON COUNTY AND RANKIN COUNTY SHALL BE PERSONS WHO RESIDE ON AND ARE HOLDERS OF RESIDENTIAL LEASES FROM THE DISTRICT THAT ARE LOCATED IN MADISON COUNTY AND RANKIN COUNTY, RESPECTIVELY, OR WHO RESIDE IN ESTABLISHED SUBDIVISIONS IN MADISON COUNTY AND RANKIN COUNTY, RESPECTIVELY, IN WHICH SOME OF THE RESIDENTIAL PROPERTY OF THE SUBDIVISION IS LEASED FROM THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT; TO PROVIDE THAT MEMBERS OF THE BOARD OF DIRECTORS OF THE DISTRICT WHO ARE APPOINTED BY THE BOARDS OF SUPERVISORS SHALL SERVE FOR TERMS CONCURRENT WITH THE TERMS OF THE MEMBERS OF THE BOARD OF SUPERVISORS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 51-9-1, Mississippi Code of 1972, is amended as follows:

51-9-1. There is * * * created the Pearl River Industrial Commission, composed of Hinds, Leake, Madison, Neshoba, Rankin and such other counties in the state through which or bordering which the Pearl River runs. The Governor shall appoint one (1) member to the commission from each county from a list of three (3) names to be submitted by the board of supervisors in each participating county. The three (3) names submitted by the board of supervisors of Madison County and the board of supervisors of Rankin County shall be the names of persons who reside on and are holders of

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residential leases from the Pearl River Valley Water Supply District that are located in Madison County and Rankin County, respectively, or who reside in established subdivisions in Madison County and Rankin County, respectively, in which some of the residential property of the subdivision is leased from the Pearl River Valley Water Supply District. In his appointment the Governor shall designate the chairman and vice chairman of the commission. Each member of the commission shall serve for a term concurrent with that of the Governor. The board of supervisors in any county through which or by which the Pearl River runs, other than those counties named above, may bring that county in as a member of the commission by resolution presented to the Governor; and the board of supervisors in such county may, in its discretion, call an election before taking such action, the election to be held as nearly as possible in the same manner other elections are held in the county.

The member appointed from Madison County who is serving on July 1, 2012, shall continue to serve until January 1, 2013, after which date the Governor shall appoint a member from Madison County who meets the residency requirements of this section. The person appointed under the provisions of this paragraph shall serve for the remainder of the unexpired term.

SECTION 2. Section 51-9-107, Mississippi Code of 1972, is amended as follows:

51-9-107. All powers of the district shall be exercised by a board of directors, to be composed of the following:

(a) Each member of the Pearl River Industrial Commission whose county becomes a part of the Pearl River Valley Water Supply District shall be a member of the Board of Directors of the Pearl River Valley Water Supply District. Such directors shall serve on this board during their term of office on the Pearl River Industrial Commission. In addition, the board of supervisors of each county that becomes a part of the district

shall appoint one (1) additional member, who shall serve for a term concurrent with the terms of the members of the board of supervisors. The members shall be appointed at the first meeting of the board of supervisors in January after the supervisors take office. The members appointed from Madison County and Rankin County shall be persons who reside on and are holders of residential leases from the Pearl River Valley Water Supply District that are located in Madison County and Rankin County, respectively, or who reside in established subdivisions in Madison County and Rankin County, respectively, in which some of the residential property of the subdivision is leased from the Pearl River Valley Water Supply District.

The members appointed from Madison County and Rankin County who are serving on July 1, 2012, shall continue to serve until January 1, 2013, after which date the Board of Supervisors of Madison County and the Board of Supervisors of Rankin County each shall appoint one (1) member who meets the residency requirements of this section. The persons appointed under the provisions of this paragraph shall serve for the remainder of the unexpired term.

(b) The Mississippi Commission on Environmental Quality, the Mississippi Commission on Wildlife, Fisheries and Parks, Forestry Commission and the State Board of Health of the State of Mississippi shall each appoint one (1) director from that department to serve on the Board of Directors of the Pearl River Valley Water Supply District to serve at the pleasure of the respective board appointing him. From and after January 1, 2013, each of the members appointed under this paragraph (b) shall be a person who resides on and is a holder of a residential lease from the Pearl River Valley Water Supply District.

(c) Each director shall take and subscribe to the oath of office required by Section 268 of the Constitution of the State of Mississippi before a chancery clerk, that he will faithfully

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discharge the duties of the office, which oath shall be filed with the * * * clerk and by him preserved.

(d) Each director shall receive per diem compensation in the amount as provided in Section 25-3-69 for attending each meeting of the board and for each day spent in attending to the necessary business of the district and shall be reimbursed for actual expenses thus incurred upon express authorization of the board, including travel expenses, as provided in Section 25-3-41.

(e) The board of directors shall annually elect from its number a president and a vice president of the district, and such other officers as in the judgment of the board are necessary. The president shall be the chief executive officer of the district and the presiding officer of the board, and shall have the same right to vote as any other director. The vice president shall perform all duties and exercise all powers conferred by this article upon the president when the president is absent or fails or declines to act, except the president's right to vote. The board shall also appoint a secretary and a treasurer who may or may not be members of the board, and it may combine those offices. The treasurer shall give bond in the sum of not less than Fifty Thousand Dollars (\$50,000.00) as set by the board of directors and each director shall give bond in the sum of not less than Ten Thousand Dollars (\$10,000.00), and the premiums on those bonds shall be an expense of the district. The condition of each such bond shall be that the treasurer or director will faithfully perform all duties of office and account for all money which shall come into his custody as treasurer or director of the district.

SECTION 3. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

Senate Bill 2710

Description: County mental health holding facilities; initial assessment of patients shall be by physician or nurse practitioner.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 509

History of Actions:

- 1 02/20 (S) Referred To Public Health and Welfare
- 2 03/05 (S) Title Suff Do Pass
- 3 03/08 (S) Passed
- 4 03/08 (S) Immediate Release
- 5 03/08 (S) Transmitted To House
- 6 03/13 (H) Referred To Public Health and Human Services
- 7 03/22 (H) Title Suff Do Pass As Amended
- 8 04/04 (H) Amended
- 9 04/04 (H) Passed As Amended
- 10 04/04 (H) Motion to Reconsider Entered (Myers, Mims, Barker)
- 11 04/05 (H) Motion to Reconsider Tabled
- 12 04/05 (H) Returned For Concurrence
- 13 04/18 (S) Concurred in Amend From House
- 14 04/23 (S) Enrolled Bill Signed
- 15 04/23 (H) Enrolled Bill Signed
- 16 05/01 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2710

Code Section: A 041-0004-0007, A 041-0021-0077

----- Additional Information -----

Senate Committee: Public Health and Welfare

House Committee: Public Health and Human Services

Principal Author: Sojourner

Additional Authors: Jackson (11th)

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Sojourner, Jackson (11th)

To: Public Health and
Welfare

SENATE BILL NO. 2710
(As Sent to Governor)

AN ACT TO AMEND SECTION 41-4-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MINIMUM STANDARD PRESCRIBED BY THE STATE BOARD OF MENTAL HEALTH FOR THE INITIAL ASSESSMENT OF MENTAL HEALTH PATIENTS BEING TEMPORARILY HOUSED IN COUNTY FACILITIES IS FOR THE ASSESSMENT TO BE PERFORMED BY A PHYSICIAN OR A NURSE PRACTITIONER; TO INCLUDE OTHER HEALTH CARE PROFESSIONALS IN THOSE WHO ARE AUTHORIZED TO CERTIFY A MENTAL HEALTH PATIENT'S RECORD ANNUALLY; TO AMEND SECTION 41-21-77, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-4-7, Mississippi Code of 1972, is amended as follows:

41-4-7. The State Board of Mental Health shall have the following powers and duties:

(a) To appoint a full-time Executive Director of the Department of Mental Health, who shall be employed by the board and shall serve as executive secretary to the board. The first director shall be a duly licensed physician with special interest and competence in psychiatry, and shall possess a minimum of three (3) years' experience in clinical and administrative psychiatry.

Subsequent directors shall possess at least a master's degree or its equivalent, and shall possess at least ten (10) years' administrative experience in the field of mental health. The salary of the executive director shall be determined by the board;

(b) To appoint a Medical Director for the Department of Mental Health. The medical director shall provide clinical oversight in the implementation of evidence-based and best practices; provide clinical leadership in the integration of mental health, intellectual disability and addiction services with community partners in the public and private sectors; and provide

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oversight regarding standards of care. The medical director shall serve at the will and pleasure of the board, and will undergo an annual review of job performance and future service to the department;

(c) To establish a Strategic Planning and Best Practices Committee (committee), which shall consist of fifteen (15) members as follows:

(i) Three (3) members of the State Board of Mental Health;

(ii) The Chairman of the Department of Psychiatry at the University of Mississippi Medical Center;

(iii) The Executive Director of the Division of Medicaid in the Office of the Governor;

(iv) Five (5) appointees of the Attorney General as follows:

1. One (1) director of a community mental health center that is not a member of the Mississippi Association of Community Mental Health Centers; and

2. Four (4) directors of community mental health centers that are members of the Mississippi Association of Community Mental Health Centers.

(v) Five (5) appointees of the Governor as follows:

1. One (1) representative of a nonprofit mental health advocacy group;

2. One (1) consumer or family member of a consumer of mental health services;

3. One (1) representative from a separate, private, nonprofit provider of a continuum of mental health services;

4. Two (2) individuals knowledgeable in the field of mental health and/or with experience in business management or public administration.

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All appointed members of the Strategic Planning and Best Practices Committee shall be appointed to three-year terms and may be reappointed.

The Department of Mental Health shall provide professional and technical support to the committee, including the services of the department's medical director, and its planning staff. Additionally, the committee shall be authorized to seek grants from public and private sources to conduct the necessary studies and evaluations to support the committee in carrying out its responsibilities. The committee may also seek the assistance of the state institutions of higher learning, the State Department of Health, the Division of Medicaid, the State Department of Education, any community mental health center, and any other state agency whose expertise may be helpful to the committee.

This paragraph (c) shall stand repealed from and after July 1, 2013;

(d) To develop a system of strategic planning for the development of services for persons with mental illness, persons with developmental disabilities and other clients of the public mental health system. Such strategic planning program shall require that the board, acting through the Strategic Planning and Best Practices Committee, perform the following functions respecting the delivery of services:

(i) Establish measures for determining the efficiency and effectiveness of the services specified in Section 41-4-1(2);

(ii) Conducting studies of community-based care in other jurisdictions to determine which services offered in these jurisdictions have the potential to provide the citizens of Mississippi with more effective and efficient community-based care;

(iii) Evaluating the efficiency and effectiveness of the services specified in Section 41-4-1(2);

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(iv) Recommending to the Legislature by January 1, 2014, any necessary additions, deletions or other changes necessary to the services specified in Section 41-4-1(2);

(v) Implementing by July 1, 2012, a system of performance measures for the services specified in Section 41-4-1(2);

(vi) Recommending to the Legislature any changes that the department believes are necessary to the current laws addressing civil commitment;

(vii) Conducting any other activities necessary to the evaluation and study of the services specified in Section 41-4-1(2);

(viii) Assisting in conducting all necessary strategic planning for the delivery of all other services of the department. Such planning shall be conducted so as to produce a single strategic plan for the services delivered by the public mental health system and shall establish appropriate mission statements, goals, objectives and performance indicators for all programs and services of the public mental health system. For services other than those specified in Section 41-4-1(2), the committee shall recommend to the State Board of Mental Health a strategic plan that the board may adopt or modify;

(e) To set up state plans for the purpose of controlling and treating any and all forms of mental and emotional illness, alcoholism, drug misuse and developmental disabilities;

(f) To supervise, coordinate and establish standards for all operations and activities of the state related to mental health and providing mental health services. Nothing in this chapter shall preclude the services of a psychiatric/mental health nurse practitioner in accordance with an established nurse practitioner/physician protocol. A physician, licensed psychologist, psychiatric/mental health nurse practitioner in accordance with an established nurse practitioner/physician

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protocol, physician assistant, licensed professional counselor, licensed marriage and family therapists, or licensed clinical social worker shall certify each client's record annually after seeing the client in person or by telemedicine, and more often if medically indicated by physically visiting the client and certifying same in the record. The board shall have the authority to develop and implement all standards and plans and shall have the authority to establish appropriate actions, including financially punitive actions, to ensure enforcement of these established standards, in accordance with the Administrative Procedures Law (Section 25-43-1 et seq.). The regional community mental health/intellectual disability centers shall comply with all of the board's established standards that are applicable to those centers, and the board may withhold any state funds that otherwise would be allocated or paid to any of those centers that does not comply with the board's established standards. This paragraph (f) shall stand repealed on July 1, 2013;

(g) To enter into contracts with any other state or federal agency, or with any private person, organization or group capable of contracting, if it finds such action to be in the public interest;

(h) To collect reasonable fees for its services; however, if it is determined that a person receiving services is unable to pay the total fee, the department shall collect any amount such person is able to pay;

(i) To certify, coordinate and establish minimum standards and establish minimum required services, as specified in Section 41-4-1(2), for regional mental health and intellectual disability commissions and other community service providers for community or regional programs and services in adult mental health, children and youth mental health, intellectual disabilities, alcoholism, drug misuse, developmental disabilities, compulsive gambling, addictive disorders and related programs

throughout the state. Such regional mental health and intellectual disability commissions and other community service providers shall, on or before July 1 of each year, submit an annual operational plan to the State Department of Mental Health for approval or disapproval based on the minimum standards and minimum required services established by the department for certification and itemize the services specified in Section 41-4-1(2). As part of the annual operation plan required by this paragraph (i) submitted by any regional community mental health center or by any other reasonable certification deemed acceptable by the department, the community mental health center shall state those services specified in Section 41-4-1(2) that it will provide and also those services that it will not provide. If the department finds deficiencies in the plan of any regional commission or community service provider based on the minimum standards and minimum required services established for certification, the department shall give the regional commission or community service provider a six-month probationary period to bring its standards and services up to the established minimum standards and minimum required services. After the six-month probationary period, if the department determines that the regional commission or community service provider still does not meet the minimum standards and minimum required services established for certification, the department may remove the certification of the commission or provider and from and after July 1, 2011, the commission or provider shall be ineligible for state funds from Medicaid reimbursement or other funding sources for those services. However, the department shall not mandate a standard or service, or decertify a regional commission or community service provider for not meeting a standard or service, if the standard or service does not have funding appropriated by the Legislature or have a state, federal or local funding source identified by the department. No county shall be required to levy

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millage to provide a mandated standard or service above the minimum rate required by Section 41-19-39. After the six-month probationary period, the department may identify an appropriate community service provider to provide any core services in that county that are not provided by a community mental health center. However, the department shall not offer reimbursement or other accommodations to a community service provider of core services that were not offered to the decertified community mental health center for the same or similar services. The State Board of Mental Health shall promulgate rules and regulations necessary to implement the provisions of this paragraph (i), in accordance with the Administrative Procedures Law (Section 25-43-1.101 et seq.);

(j) To establish and promulgate reasonable minimum standards for the construction and operation of state and all Department of Mental Health certified facilities, including reasonable minimum standards for the admission, diagnosis, care, treatment, transfer of patients and their records, and also including reasonable minimum standards for providing day care, outpatient care, emergency care, inpatient care and follow-up care, when such care is provided for persons with mental or emotional illness, an intellectual disability, alcoholism, drug misuse and developmental disabilities;

(k) To implement best practices for all services specified in Section 41-4-1(2), and to establish and implement all other services delivered by the Department of Mental Health. To carry out this responsibility, the board shall require the department to establish a division responsible for developing best practices based on a comprehensive analysis of the mental health environment to determine what the best practices for each service are. In developing best practices, the board shall consider the cost and benefits associated with each practice with a goal of implementing only those practices that are cost-effective practices for service delivery. Such best practices shall be

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utilized by the board in establishing performance standards and evaluations of the community mental health centers' services required by paragraph (d) of this section;

(l) To assist community or regional programs consistent with the purposes of this chapter by making grants and contracts from available funds;

(m) To establish and collect reasonable fees for necessary inspection services incidental to certification or compliance;

(n) To accept gifts, trusts, bequests, grants, endowments or transfers of property of any kind;

(o) To receive monies coming to it by way of fees for services or by appropriations;

(p) To serve as the single state agency in receiving and administering any and all funds available from any source for the purpose of service delivery, training, research and education in regard to all forms of mental illness, intellectual disabilities, alcoholism, drug misuse and developmental disabilities, unless such funds are specifically designated to a particular agency or institution by the federal government, the Mississippi Legislature or any other grantor;

(q) To establish mental health holding centers for the purpose of providing short-term emergency mental health treatment, places for holding persons awaiting commitment proceedings or awaiting placement in a state mental health facility following commitment, and for diverting placement in a state mental health facility. These mental health holding facilities shall be readily accessible, available statewide, and be in compliance with emergency services' minimum standards. They shall be comprehensive and available to triage and make appropriate clinical disposition, including the capability to access inpatient services or less restrictive alternatives, as needed, as determined by medical staff. Such facility shall have medical,

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nursing and behavioral services available on a twenty-four-hour-a-day basis. The board may provide for all or part of the costs of establishing and operating the holding centers in each district from such funds as may be appropriated to the board for such use, and may participate in any plan or agreement with any public or private entity under which the entity will provide all or part of the costs of establishing and operating a holding center in any district;

(r) To certify/license case managers, mental health therapists, intellectual disability therapists, mental health/intellectual disability program administrators, addiction counselors and others as deemed appropriate by the board. Persons already professionally licensed by another state board or agency are not required to be certified/licensed under this section by the Department of Mental Health. The department shall not use professional titles in its certification/licensure process for which there is an independent licensing procedure. Such certification/licensure shall be valid only in the state mental health system, in programs funded and/or certified by the Department of Mental Health, and/or in programs certified/licensed by the State Department of Health that are operated by the state mental health system serving persons with mental illness, an intellectual disability, a developmental disability or addictions, and shall not be transferable;

(s) To develop formal mental health worker qualifications for regional mental health and intellectual disability commissions and other community service providers. The State Personnel Board shall develop and promulgate a recommended salary scale and career ladder for all regional mental health/intellectual disability center therapists and case managers who work directly with clients. The State Personnel Board shall also develop and promulgate a career ladder for all direct care workers employed by the State Department of Mental Health;

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(t) The employees of the department shall be governed by personnel merit system rules and regulations, the same as other employees in state services;

(u) To establish such rules and regulations as may be necessary in carrying out the provisions of this chapter, including the establishment of a formal grievance procedure to investigate and attempt to resolve consumer complaints;

(v) To grant easements for roads, utilities and any other purpose it finds to be in the public interest;

(w) To survey statutory designations, building markers and the names given to mental health/intellectual disability facilities and proceedings in order to recommend deletion of obsolete and offensive terminology relative to the mental health/intellectual disability system. Based upon a recommendation of the executive director, the board shall have the authority to name/rename any facility operated under the auspices of the Department of Mental Health for the sole purpose of deleting such terminology;

(x) To ensure an effective case management system directed at persons who have been discharged from state and private psychiatric hospitals to ensure their continued well-being in the community;

(y) To develop formal service delivery standards designed to measure the quality of services delivered to community clients, as well as the timeliness of services to community clients provided by regional mental health/intellectual disability commissions and other community services providers;

(z) To establish regional state offices to provide mental health crisis intervention centers and services available throughout the state to be utilized on a case-by-case emergency basis. The regional services director, other staff and delivery systems shall meet the minimum standards of the Department of Mental Health;

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(aa) To require performance contracts with community mental health/intellectual disability service providers to contain performance indicators to measure successful outcomes, including diversion of persons from inpatient psychiatric hospitals, rapid/timely response to emergency cases, client satisfaction with services and other relevant performance measures;

(bb) To enter into interagency agreements with other state agencies, school districts and other local entities as determined necessary by the department to ensure that local mental health service entities are fulfilling their responsibilities to the overall state plan for behavioral services;

(cc) To establish and maintain a toll-free grievance reporting telephone system for the receipt and referral for investigation of all complaints by clients of state and community mental health/intellectual disability facilities;

(dd) To establish a peer review/quality assurance evaluation system that assures that appropriate assessment, diagnosis and treatment is provided according to established professional criteria and guidelines;

(ee) To develop and implement state plans for the purpose of assisting with the care and treatment of persons with Alzheimer's disease and other dementia. This plan shall include education and training of service providers, caregivers in the home setting and others who deal with persons with Alzheimer's disease and other dementia, and development of adult day care, family respite care and counseling programs to assist families who maintain persons with Alzheimer's disease and other dementia in the home setting. No agency shall be required to provide any services under this section until such time as sufficient funds have been appropriated or otherwise made available by the Legislature specifically for the purposes of the treatment of persons with Alzheimer's and other dementia;

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(ff) Working with the advice and consent of the administration of Ellisville State School, to enter into negotiations with the Economic Development Authority of Jones County for the purpose of negotiating the possible exchange, lease or sale of lands owned by Ellisville State School to the Economic Development Authority of Jones County. It is the intent of the Mississippi Legislature that such negotiations shall ensure that the financial interest of the persons with an intellectual disability served by Ellisville State School will be held paramount in the course of these negotiations. The Legislature also recognizes the importance of economic development to the citizens of the State of Mississippi and Jones County, and encourages fairness to the Economic Development Authority of Jones County. Any negotiations proposed which would result in the recommendation for exchange, lease or sale of lands owned by Ellisville State School must have the approval of the State Board of Mental Health. The State Board of Mental Health may and has the final authority as to whether or not these negotiations result in the exchange, lease, or sale of the properties it currently holds in trust for persons with an intellectual disability served at Ellisville State School.

If the State Board of Mental Health authorizes the sale of lands owned by Ellisville State School, as provided for under this paragraph (ff), the monies derived from the sale shall be placed into a special fund that is created in the State Treasury to be known as the "Ellisville State School Client's Trust Fund." The principal of the trust fund shall remain inviolate and shall never be expended. Any interest earned on the principal may be expended solely for the benefits of clients served at Ellisville State School. The State Treasurer shall invest the monies of the trust fund in any of the investments authorized for the Mississippi Prepaid Affordable College Tuition Program under Section 37-155-9, and those investments shall be subject to the limitations

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prescribed by Section 37-155-9. Unexpended amounts remaining in the trust fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the trust fund shall be deposited to the credit of the trust fund. The administration of Ellisville State School may use any interest earned on the principal of the trust fund, upon appropriation by the Legislature, as needed for services or facilities by the clients of Ellisville State School. Ellisville State School shall make known to the Legislature, through the Legislative Budget Committee and the respective Appropriations Committees of the House and Senate, its proposed use of interest earned on the principal of the trust fund for any fiscal year in which it proposes to make expenditures thereof. The State Treasurer shall provide Ellisville State School with an annual report on the Ellisville State School Client's Trust Fund to indicate the total monies in the trust fund, interest earned during the year, expenses paid from the trust fund and such other related information.

Nothing in this section shall be construed as applying to or affecting mental health/intellectual disability services provided by hospitals as defined in Section 41-9-3(a), and/or their subsidiaries and divisions, which hospitals, subsidiaries and divisions are licensed and regulated by the Mississippi State Department of Health unless such hospitals, subsidiaries or divisions voluntarily request certification by the Mississippi State Department of Mental Health.

All new programs authorized under this section shall be subject to the availability of funds appropriated therefor by the Legislature;

(gg) Working with the advice and consent of the administration of Boswell Regional Center, to enter into negotiations with the Economic Development Authority of Simpson County for the purpose of negotiating the possible exchange, lease

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or sale of lands owned by Boswell Regional Center to the Economic Development Authority of Simpson County. It is the intent of the Mississippi Legislature that such negotiations shall ensure that the financial interest of the persons with an intellectual disability served by Boswell Regional Center will be held paramount in the course of these negotiations. The Legislature also recognizes the importance of economic development to the citizens of the State of Mississippi and Simpson County, and encourages fairness to the Economic Development Authority of Simpson County. Any negotiations proposed which would result in the recommendation for exchange, lease or sale of lands owned by Boswell Regional Center must have the approval of the State Board of Mental Health. The State Board of Mental Health may and has the final authority as to whether or not these negotiations result in the exchange, lease or sale of the properties it currently holds in trust for persons with an intellectual disability served at Boswell Regional Center. In any such exchange, lease or sale of such lands owned by Boswell Regional Center, title to all minerals, oil and gas on such lands shall be reserved, together with the right of ingress and egress to remove same, whether such provisions be included in the terms of any such exchange, lease or sale or not.

If the State Board of Mental Health authorizes the sale of lands owned by Boswell Regional Center, as provided for under this paragraph (gg), the monies derived from the sale shall be placed into a special fund that is created in the State Treasury to be known as the "Boswell Regional Center Client's Trust Fund." The principal of the trust fund shall remain inviolate and shall never be expended. Any earnings on the principal may be expended solely for the benefits of clients served at Boswell Regional Center. The State Treasurer shall invest the monies of the trust fund in any of the investments authorized for the Mississippi Prepaid Affordable College Tuition Program under Section 37-155-9, and

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those investments shall be subject to the limitations prescribed by Section 37-155-9. Unexpended amounts remaining in the trust fund at the end of a fiscal year shall not lapse into the State General Fund, and any earnings on amounts in the trust fund shall be deposited to the credit of the trust fund. The administration of Boswell Regional Center may use any earnings on the principal of the trust fund, upon appropriation by the Legislature, as needed for services or facilities by the clients of Boswell Regional Center. Boswell Regional Center shall make known to the Legislature, through the Legislative Budget Committee and the respective Appropriations Committees of the House and Senate, its proposed use of the earnings on the principal of the trust fund for any fiscal year in which it proposes to make expenditures thereof. The State Treasurer shall provide Boswell Regional Center with an annual report on the Boswell Regional Center Client's Trust Fund to indicate the total monies in the trust fund, interest and other income earned during the year, expenses paid from the trust fund and such other related information.

Nothing in this section shall be construed as applying to or affecting mental health/intellectual disability services provided by hospitals as defined in Section 41-9-3(a), and/or their subsidiaries and divisions, which hospitals, subsidiaries and divisions are licensed and regulated by the Mississippi State Department of Health unless such hospitals, subsidiaries or divisions voluntarily request certification by the Mississippi State Department of Mental Health.

All new programs authorized under this section shall be subject to the availability of funds appropriated therefor by the Legislature;

(hh) Notwithstanding any other section of the code, the Board of Mental Health shall be authorized to fingerprint and perform a criminal history record check on every employee or volunteer. Every employee and volunteer shall provide a valid

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current social security number and/or driver's license number which shall be furnished to conduct the criminal history record check. If no disqualifying record is identified at the state level, fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check;

(ii) The Department of Mental Health shall have the authority for the development of a consumer friendly single point of intake and referral system within its service areas for persons with mental illness, an intellectual disability, developmental disabilities or alcohol or substance abuse who need assistance identifying or accessing appropriate services. The department will develop and implement a comprehensive evaluation procedure ensuring that, where appropriate, the affected person or their parent or legal guardian will be involved in the assessment and planning process. The department, as the point of intake and as service provider, shall have the authority to determine the appropriate institutional, hospital or community care setting for persons who have been diagnosed with mental illness, an intellectual disability, developmental disabilities and/or alcohol or substance abuse, and may provide for the least restrictive placement if the treating professional believes such a setting is appropriate, if the person affected or their parent or legal guardian wants such services, and if the department can do so with a reasonable modification of the program without creating a fundamental alteration of the program. The least restrictive setting could be an institution, hospital or community setting, based upon the needs of the affected person or their parent or legal guardian;

(jj) To have the sole power and discretion to enter into, sign, execute and deliver long-term or multiyear leases of real and personal property owned by the Department of Mental Health to and from other state and federal agencies and private entities deemed to be in the public's best interest. Any monies

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derived from such leases shall be deposited into the funds of the Department of Mental Health for its exclusive use. Leases to private entities shall be approved by the Department of Finance and Administration and all leases shall be filed with the Secretary of State;

(kk) To certify and establish minimum standards and minimum required services for county facilities used for housing, feeding and providing medical treatment for any person who has been involuntarily ordered admitted to a treatment center by a court of competent jurisdiction. The minimum standard for the initial assessment of those persons being housed in county facilities is for the assessment to be performed by a physician, preferably a psychiatrist, or by a nurse practitioner, preferably a psychiatric nurse practitioner. If the department finds deficiencies in any such county facility or its provider based on the minimum standards and minimum required services established for certification, the department shall give the county or its provider a six-month probationary period to bring its standards and services up to the established minimum standards and minimum required services. After the six-month probationary period, if the department determines that the county or its provider still does not meet the minimum standards and minimum required services, the department may remove the certification of the county or provider and require the county to contract with another county having a certified facility to hold those persons for that period of time pending transportation and admission to a state treatment facility. Any cost incurred by a county receiving an involuntarily committed person from a county with a decertified holding facility shall be reimbursed by the home county to the receiving county.

SECTION 2. Section 41-21-77, Mississippi Code of 1972, is amended as follows:

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41-21-77. If admission is ordered at a treatment facility, the sheriff, his or her deputy or any other person appointed or authorized by the court shall immediately deliver the respondent to the director of the appropriate facility. Neither the Board of Mental Health or its members, nor the Department of Mental Health or its related facilities, nor any employee of the Department of Mental Health or its related facilities, shall be appointed, authorized or ordered to deliver the respondent for treatment, and no person shall be so delivered or admitted until the director of the admitting institution determines that facilities and services are available. Persons who have been ordered committed and are awaiting admission may be given any such treatment in the facility by a licensed physician as is indicated by standard medical practice. Any county facility used for providing housing, maintenance and medical treatment for involuntarily committed persons pending their transportation and admission to a state treatment facility shall be certified by the State Department of Mental Health under the provisions of Section 41-4-7(kk). No person shall be delivered or admitted to any non-Department of Mental Health treatment facility unless the treatment facility is licensed and/or certified to provide the appropriate level of psychiatric care for persons with mental illness. It is the intent of this Legislature that county-owned hospitals work with regional community mental health/intellectual disability centers in providing care to local patients. The clerk shall provide the director of the admitting institution with a certified copy of the court order, a certified copy of the physicians' or the physician's and psychologist's, nurse practitioner's or physician assistant's certificate, a certified copy of the affidavit, and any other information available concerning the physical and mental condition of the respondent. Upon notification from the United States Veterans Administration or other agency of the United States government, that facilities are available and the

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respondent is eligible for care and treatment in those facilities, the court may enter an order for delivery of the respondent to or retention by the Veterans Administration or other agency of the United States government, and, in those cases the chief officer to whom the respondent is so delivered or by whom he is retained shall, with respect to the respondent, be vested with the same powers as the director of the Mississippi State Hospital at Whitfield, or the East Mississippi State Hospital at Meridian, with respect to retention and discharge of the respondent.

SECTION 3. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2731

Description: Bedridden nonviolent state offenders; authorize Commissioner of Corrections to place on conditional medical release.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 545

History of Actions:

- 1 02/20 (S) Referred To Corrections
- 2 03/01 (S) Title Suff Do Pass
- 3 03/07 (S) Passed
- 4 03/08 (S) Transmitted To House
- 5 03/14 (H) Referred To Corrections
- 6 03/22 (H) Title Suff Do Pass As Amended
- 7 03/26 (H) Tabled Subject To Call
- 8 04/10 (H) Amended
- 9 04/10 (H) Passed As Amended
- 10 04/11 (H) Returned For Concurrence
- 11 04/18 (S) Decline to Concur/Invite Conf
- 12 04/24 (S) Conferees Named Jackson (32nd), Tindell, Simmons (12th)
- 13 04/27 (H) Conferees Named DeBar, Whittington, Weathersby
- 14 04/29 (S) Conference Report Filed
- 15 04/29 (H) Conference Report Filed
- 16 04/30 (H) Conference Report Adopted
- 17 05/01 (S) Conference Report Adopted
- 18 05/07 (S) Enrolled Bill Signed
- 19 05/08 (H) Enrolled Bill Signed
- 20 05/22 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2731

Conference Reports:

Conference Report

Code Section: A 047-0007-0004

----- Additional Information -----

Senate Committee: Corrections

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House Committee: Corrections

Principal Author: Jackson (32nd)

Additional Authors: Jackson (11th)

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Jackson (32nd), Jackson
(11th)

To: Corrections

SENATE BILL NO. 2731
(As Sent to Governor)

AN ACT TO AMEND SECTION 47-7-4, MISSISSIPPI CODE OF 1972, TO REVISE WHO THE COMMISSIONER OF CORRECTIONS MAY PLACE ON CONDITIONAL MEDICAL RELEASE; TO AUTHORIZE THE COMMISSIONER TO PLACE BEDRIDDEN OFFENDERS ON SUCH RELEASE; TO CLARIFY THAT IF AN OFFENDER IS NO LONGER ELIGIBLE FOR CONDITIONAL MEDICAL RELEASE THEN SUCH OFFENDER SHALL BE RETURNED TO THE ACTUAL CUSTODY OF THE DEPARTMENT OF CORRECTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 47-7-4, Mississippi Code of 1972, is amended as follows:

47-7-4. The commissioner and the medical director of the department may place an offender who has served not less than one (1) year of his or her sentence, except an offender convicted of a sex crime, on conditional medical release. However, a nonviolent offender who is bedridden may be placed on conditional medical release regardless of the time served on his or her sentence. Upon the release of a nonviolent offender who is bedridden, the state shall not be responsible or liable for any medical costs that may be incurred if such costs are acquired after the offender is no longer incarcerated due to his or her placement on conditional medical release. The commissioner shall not place an offender on conditional medical release unless the medical director of the department certifies to the commissioner that (a) the offender is suffering from a significant permanent physical medical condition with no possibility of recovery; (b) that his or her further incarceration will serve no rehabilitative purposes; and (c) that the state would incur unreasonable expenses as a result of his or her continued incarceration. Any offender placed on conditional medical release shall be supervised by the Division

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of Community Corrections of the department for the remainder of his or her sentence. An offender's conditional medical release may be revoked and the offender returned and placed in actual custody of the department if the offender violates an order or condition of his or her conditional medical release. An offender who is no longer bedridden shall be returned and placed in the actual custody of the department.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2012 Regular Session

Senate Bill 2737

Description: Low-performing schools and school districts; authorize State Board of Education to consolidate in emergency situations.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: VRA

Chapter Number: 525

History of Actions:

- 1 02/20 (S) Referred To Education
- 2 03/06 (S) Title Suff Do Pass Comm Sub
- 3 03/15 (S) Committee Substitute Adopted
- 4 03/15 (S) Amended
- 5 03/15 (S) Passed As Amended
- 6 03/19 (S) Transmitted To House
- 7 03/21 (H) Referred To Education; Appropriations
- 8 03/28 (H) DR - TSDP: ED To AP
- 9 04/03 (H) DR - TSDP: AP To ED
- 10 04/03 (H) Title Suff Do Pass
- 11 04/10 (H) Amended
- 12 04/10 (H) Point of Order Raised
- 13 04/10 (H) Set Aside-Pend Ruling of Chair
- 14 04/11 (H) Passed As Amended
- 15 04/17 (H) Returned For Concurrence
- 16 04/19 (S) Decline to Concur/Invite Conf
- 17 04/24 (S) Conferees Named Tollison, Collins, Wiggins
- 18 04/26 (H) Conferees Named Moore, Barker, Clarke
- 19 04/29 (H) Conference Report Filed
- 20 04/29 (S) Conference Report Filed
- 21 04/30 (H) Conference Report Adopted
- 22 05/02 (S) Conference Report Adopted
- 23 05/09 (S) Enrolled Bill Signed
- 24 05/09 (H) Enrolled Bill Signed
- 25 05/16 Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub) *Adopted*

[S] Amendment No 2 (Cmte Sub) *Adopted*

[S] Amendment No 3 (Cmte Sub) *Lost*

[H] Amendment No 1 *Adopted*

[H] Amendment No 2 *Adopted*

Amendment Report for Senate Bill No. 2737

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Conference Reports:

Conference Report

Code Section: A 037-0017-0006, A 037-0017-0013, A 037-0005-0071

----- Additional Information -----

Senate Committee: Education

House Committee: Education, Appropriations

Principal Author: Tollison

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2737
(As Sent to Governor)

AN ACT RELATING TO LOW-PERFORMING SCHOOLS AND SCHOOL DISTRICTS; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A LOCAL SCHOOL DISTRICT VIOLATES ACCREDITATION STANDARDS DETERMINED TO BE THE BASIS FOR IMMEDIATE WITHDRAWAL OF ACCREDITATION, THERE SHALL BE A SHOW CAUSE HEARING CONDUCTED BY THE COMMISSION ON SCHOOL ACCREDITATION; TO AUTHORIZE THE PARENT OR GUARDIAN OF A CHILD ENROLLED IN A SCHOOL DISTRICT WHOSE ACCREDITATION HAS BEEN WITHDRAWN TO PETITION FOR A TRANSFER INTO AN ACCREDITED SCHOOL DISTRICT AND TO PROVIDE FOR THE TRANSFER OF STATE ADEQUATE PROGRAM FUNDS TO THE TRANSFEREE SCHOOL DISTRICT; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ABOLISH A SCHOOL DISTRICT AND ADMINISTRATIVELY CONSOLIDATE WITH ONE OR MORE EXISTING SCHOOL DISTRICTS IN EMERGENCY SITUATIONS WITH THE APPROVAL OF THE TRANSFEREE SCHOOL DISTRICT; TO AUTHORIZE LOANS TO SCHOOL DISTRICTS UNDER CONSERVATORSHIP FROM THE SCHOOL DISTRICT EMERGENCY ASSISTANCE FUND AND TO PROVIDE THAT SUCH FUND IS A SPECIAL FUND WHICH SHALL NOT LAPSE INTO THE STATE GENERAL FUND; TO AUTHORIZE AND DIRECT THE STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION TO CHANGE THE PERFORMANCE LEVEL TERMINOLOGY FOR SCHOOLS AND SCHOOL DISTRICTS TO "A", "B", "C", "D" AND "F" BASED ON ESTABLISHED BENCHMARKS OF STUDENT ACHIEVEMENT AND GROWTH; TO PROVIDE THAT SUCH NEW TERMINOLOGY FOR ACCREDITATION RATING PURPOSES SHALL BE EFFECTIVE UPON FULL IMPLEMENTATION OF COMMON CORE STATE STANDARDS AND ASSESSMENTS; TO AMEND SECTION 37-17-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A BOARD MEMBER OR SUPERINTENDENT IN OFFICE AT THE TIME THE GOVERNOR DECLARES A STATE OF EMERGENCY IN A SCHOOL DISTRICT SHALL NOT BE ELIGIBLE TO SERVE IN THAT OFFICE IN SUCH SCHOOL DISTRICT AND TO PROVIDE THAT THE NEW SUPERINTENDENT IN SUCH SCHOOL DISTRICT SHALL BE APPOINTED; TO AMEND SECTION 37-5-71, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-17-6, Mississippi Code of 1972, is amended as follows:

37-17-6. (1) The State Board of Education, acting through the Commission on School Accreditation, shall establish and implement a permanent performance-based accreditation system, and all public elementary and secondary schools shall be accredited under this system.

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(2) No later than June 30, 1995, the State Board of Education, acting through the Commission on School Accreditation, shall require school districts to provide school classroom space that is air-conditioned as a minimum requirement for accreditation.

(3) (a) Beginning with the 1994-1995 school year, the State Board of Education, acting through the Commission on School Accreditation, shall require that school districts employ certified school librarians according to the following formula:

Number of Students Per School Library	Number of Certified School Librarians
0 - 499 Students	1/2 Full-time Equivalent Certified Librarian
500 or More Students	1 Full-time Certified Librarian

(b) The State Board of Education, however, may increase the number of positions beyond the above requirements.

(c) The assignment of certified school librarians to the particular schools shall be at the discretion of the local school district. No individual shall be employed as a certified school librarian without appropriate training and certification as a school librarian by the State Department of Education.

(d) School librarians in the district shall spend at least fifty percent (50%) of direct work time in a school library and shall devote no more than one-fourth (1/4) of the workday to administrative activities that are library related.

(e) Nothing in this subsection shall prohibit any school district from employing more certified school librarians than are provided for in this section.

(f) Any additional millage levied to fund school librarians required for accreditation under this subsection shall be included in the tax increase limitation set forth in Sections

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37-57-105 and 37-57-107 and shall not be deemed a new program for purposes of the limitation.

(4) On or before December 31, 2002, the State Board of Education shall implement the performance-based accreditation system for school districts and for individual schools which shall include the following:

(a) High expectations for students and high standards for all schools, with a focus on the basic curriculum;

(b) Strong accountability for results with appropriate local flexibility for local implementation;

(c) A process to implement accountability at both the school district level and the school level;

(d) Individual schools shall be held accountable for student growth and performance;

(e) Set annual performance standards for each of the schools of the state and measure the performance of each school against itself through the standard that has been set for it;

(f) A determination of which schools exceed their standards and a plan for providing recognition and rewards to those schools;

(g) A determination of which schools are failing to meet their standards and a determination of the appropriate role of the State Board of Education and the State Department of Education in providing assistance and initiating possible intervention. A failing district is a district that fails to meet both the absolute student achievement standards and the rate of annual growth expectation standards as set by the State Board of Education for two (2) consecutive years. The State Board of Education shall establish the level of benchmarks by which absolute student achievement and growth expectations shall be assessed. In setting the benchmarks for school districts, the State Board of Education may also take into account such factors as graduation rates, dropout rates, completion rates, the extent

to which the school or district employs qualified teachers in every classroom, and any other factors deemed appropriate by the State Board of Education. The State Board of Education, acting through the State Department of Education, shall apply a simple "A," "B," "C," "D" and "F" designation to the current school and school district statewide accountability performance classification labels beginning with the State Accountability Results for the 2011-2012 school year and following, and in the school, district and state report cards required under state and federal law. Under the new designations, a school or school district that has earned a "Star" rating shall be designated an "A" school or school district; a school or school district that has earned a "High-Performing" rating shall be designated a "B" school or school district; a school or school district that has earned a "Successful" rating shall be designated a "C" school or school district; a school or school district that has earned an "Academic Watch" rating shall be designated a "D" school or school district; a school or school district that has earned a "Low-Performing," "At-Risk of Failing" or "Failing" rating shall be designated an "F" school or school district. Effective with the implementation of any new curriculum and assessment standards, the State Board of Education, acting through the State Department of Education, is further authorized and directed to change the school and school district accreditation rating system to a simple "A," "B," "C," "D," and "F" designation based on a combination of student achievement scores and student growth as measured by the statewide testing programs developed by the State Board of Education pursuant to Chapter 16, Title 37, Mississippi Code of 1972. In any statute or regulation containing the former accreditation designations, the new designations shall be applicable;

(h) Development of a comprehensive student assessment system to implement these requirements; and

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(i) The State Board of Education may, based on a written request that contains specific reasons for requesting a waiver from the school districts affected by Hurricane Katrina of 2005, hold harmless school districts from assignment of district and school level accountability ratings for the 2005-2006 school year. The State Board of Education upon finding an extreme hardship in the school district may grant the request. It is the intent of the Legislature that all school districts maintain the highest possible academic standards and instructional programs in all schools as required by law and the State Board of Education.

The State Board of Education may continue to assign school district performance levels by using a number classification and may assign individual school performance levels by using a number classification to be consistent with school district performance levels.

(5) Nothing in this section shall be deemed to require a nonpublic school that receives no local, state or federal funds for support to become accredited by the State Board of Education.

(6) The State Board of Education shall create an accreditation audit unit under the Commission on School Accreditation to determine whether schools are complying with accreditation standards.

(7) The State Board of Education shall be specifically authorized and empowered to withhold adequate education program fund allocations, whichever is applicable, to any public school district for failure to timely report student, school personnel and fiscal data necessary to meet state and/or federal requirements.

(8) Deleted.

(9) The State Board of Education shall establish, for those school districts failing to meet accreditation standards, a program of development to be complied with in order to receive state funds, except as otherwise provided in subsection (14) of

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this section when the Governor has declared a state of emergency in a school district or as otherwise provided in Section 206, Mississippi Constitution of 1890. The state board, in establishing these standards, shall provide for notice to schools and sufficient time and aid to enable schools to attempt to meet these standards, unless procedures under subsection (14) of this section have been invoked.

(10) Beginning July 1, 1998, the State Board of Education shall be charged with the implementation of the program of development in each applicable school district as follows:

(a) Develop an impairment report for each district failing to meet accreditation standards in conjunction with school district officials;

(b) Notify any applicable school district failing to meet accreditation standards that it is on probation until corrective actions are taken or until the deficiencies have been removed. The local school district shall develop a corrective action plan to improve its deficiencies. For district academic deficiencies, the corrective action plan for each such school district shall be based upon a complete analysis of the following: student test data, student grades, student attendance reports, student dropout data, existence and other relevant data. The corrective action plan shall describe the specific measures to be taken by the particular school district and school to improve:

(i) instruction; (ii) curriculum; (iii) professional development; (iv) personnel and classroom organization; (v) student incentives for performance; (vi) process deficiencies; and (vii) reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible for implementing each component of the recommendation and how each will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision

of the State Board of Education establishing the probationary period of time shall be final;

(c) Offer, during the probationary period, technical assistance to the school district in making corrective actions. Beginning July 1, 1998, subject to the availability of funds, the State Department of Education shall provide technical and/or financial assistance to all such school districts in order to implement each measure identified in that district's corrective action plan through professional development and on-site assistance. Each such school district shall apply for and utilize all available federal funding in order to support its corrective action plan in addition to state funds made available under this paragraph;

(d) Assign department personnel or contract, in its discretion, with the institutions of higher learning or other appropriate private entities with experience in the academic, finance and other operational functions of schools to assist school districts;

(e) Provide for publication of public notice at least one time during the probationary period, in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The publication shall include the following: declaration of school system's status as being on probation; all details relating to the impairment report; and other information as the State Board of Education deems appropriate. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

(11) (a) If the recommendations for corrective action are not taken by the local school district or if the deficiencies are not removed by the end of the probationary period, the Commission on School Accreditation shall conduct a hearing to allow the

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affected school district to present evidence or other reasons why its accreditation should not be withdrawn. Additionally, if the local school district violates accreditation standards that have been determined by the policies and procedures of the State Board of Education to be a basis for withdrawal of school district's accreditation without a probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected school district to present evidence or other reasons why its accreditation should not be withdrawn. After its consideration of the results of the hearing, the Commission on School Accreditation shall be authorized, with the approval of the State Board of Education, to withdraw the accreditation of a public school district, and issue a request to the Governor that a state of emergency be declared in that district.

(b) If the State Board of Education and the Commission on School Accreditation determine that an extreme emergency situation exists in a school district that jeopardizes the safety, security or educational interests of the children enrolled in the schools in that district and that emergency situation is believed to be related to a serious violation or violations of accreditation standards or state or federal law, or when a school district meets the State Board of Education's definition of a failing school district for two (2) consecutive full school years, or if more than fifty percent (50%) of the schools within the school district are designated as Schools At-Risk in any one (1) year, the State Board of Education may request the Governor to declare a state of emergency in that school district. For purposes of this paragraph, the declarations of a state of emergency shall not be limited to those instances when a school district's impairments are related to a lack of financial resources, but also shall include serious failure to meet minimum academic standards, as evidenced by a continued pattern of poor student performance.

(c) Whenever the Governor declares a state of emergency in a school district in response to a request made under paragraph (a) or (b) of this subsection, the State Board of Education may take one or more of the following actions:

(i) Declare a state of emergency, under which some or all of state funds can be escrowed except as otherwise provided in Section 206, Constitution of 1890, until the board determines corrective actions are being taken or the deficiencies have been removed, or that the needs of students warrant the release of funds. The funds may be released from escrow for any program which the board determines to have been restored to standard even though the state of emergency may not as yet be terminated for the district as a whole;

(ii) Override any decision of the local school board or superintendent of education, or both, concerning the management and operation of the school district, or initiate and make decisions concerning the management and operation of the school district;

(iii) Assign an interim conservator, or in its discretion, contract with a private entity with experience in the academic, finance and other operational functions of schools and school districts, who will have those powers and duties prescribed in subsection (14) of this section;

(iv) Grant transfers to students who attend this school district so that they may attend other accredited schools or districts in a manner that is not in violation of state or federal law;

(v) For states of emergency declared under paragraph (a) only, if the accreditation deficiencies are related to the fact that the school district is too small, with too few resources, to meet the required standards and if another school district is willing to accept those students, abolish that district and assign that territory to another school district or

districts. If the school district has proposed a voluntary consolidation with another school district or districts, then if the State Board of Education finds that it is in the best interest of the pupils of the district for the consolidation to proceed, the voluntary consolidation shall have priority over any such assignment of territory by the State Board of Education;

(vi) For states of emergency declared under paragraph (b) only, reduce local supplements paid to school district employees, including, but not limited to, instructional personnel, assistant teachers and extracurricular activities personnel, if the district's impairment is related to a lack of financial resources, but only to an extent that will result in the salaries being comparable to districts similarly situated, as determined by the State Board of Education;

(vii) For states of emergency declared under paragraph (b) only, the State Board of Education may take any action as prescribed in Section 37-17-13.

(d) At the time that satisfactory corrective action has been taken in a school district in which a state of emergency has been declared, the State Board of Education may request the Governor to declare that the state of emergency no longer exists in the district.

(e) The parent or legal guardian of a school-age child who is enrolled in a school district whose accreditation has been withdrawn by the Commission on School Accreditation and without approval of that school district may file a petition in writing to a school district accredited by the Commission on School Accreditation for a legal transfer. The school district accredited by the Commission on School Accreditation may grant the transfer according to the procedures of Section 37-15-31(1)(b). In the event the accreditation of the student's home district is restored after a transfer has been approved, the student may continue to attend the transferee school district. The per-pupil

amount of the adequate education program allotment, including the collective "add-on program" costs for the student's home school district shall be transferred monthly to the school district accredited by the Commission on School Accreditation that has granted the transfer of the school-age child.

(f) Upon the declaration of a state of emergency for any school district in which the Governor has previously declared a state of emergency, the State Board of Education may either (i) establish a conservatorship or (ii) abolish the school district and administratively consolidate the school district with one or more existing school districts or (iii) reduce the size of the district and administratively consolidate parts of the district, as determined by the State Board of Education; provided, however, that no school district which is not under conservatorship shall be required to accept additional territory over the objection of the district.

(g) There is established a Mississippi Recovery School District within the State Department of Education under the supervision of a deputy superintendent appointed by the State Superintendent of Public Education, who is subject to the approval by the State Board of Education. The Mississippi Recovery School District shall provide leadership and oversight of all school districts that are subject to state conservatorship, as defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall have all the authority granted under these two (2) chapters. The Mississippi Department of Education, with the approval of the State Board of Education, shall develop policies for the operation and management of the Mississippi Recovery School District. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall be authorized to oversee the administration of the Mississippi Recovery School District, oversee conservators assigned by the State Board of Education to a local school district, hear appeals from school districts under

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conservatorship that would normally be filed by students, parents or employees and heard by a local school board, which hearings on appeal shall be conducted in a prompt and timely manner in the school district from which the appeal originated in order to ensure the ability of appellants, other parties and witnesses to appeal without undue burden of travel costs or loss of time from work, and perform other related duties as assigned by the State Superintendent of Public Education. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall determine, based on rigorous professional qualifications set by the State Board of Education, the appropriate individuals to be engaged to be conservators and financial advisors, if applicable, of all school districts subject to state conservatorship. After State Board of Education approval, these individuals shall be deemed independent contractors.

(12) Upon the declaration of a state of emergency in a school district under subsection (11) of this section, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of the notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If a conservator has been appointed for the school district, the notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed conservator (name of conservator)."

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The notice also shall include, in the discretion of the State Board of Education, any or all details relating to the school district's emergency status, including the declaration of a state of emergency in the school district and a description of the district's impairment deficiencies, conditions of any conservatorship and corrective actions recommended and being taken. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

Upon termination of the state of emergency in a school district, the Commission on School Accreditation shall cause notice to be published in the school district in the same manner provided in this section, to include any or all details relating to the corrective action taken in the school district that resulted in the termination of the state of emergency.

(13) The State Board of Education or the Commission on School Accreditation shall have the authority to require school districts to produce the necessary reports, correspondence, financial statements, and any other documents and information necessary to fulfill the requirements of this section.

Nothing in this section shall be construed to grant any individual, corporation, board or conservator the authority to levy taxes except in accordance with presently existing statutory provisions.

(14) (a) Whenever the Governor declares a state of emergency in a school district in response to a request made under subsection (11) of this section, the State Board of Education, in its discretion, may assign an interim conservator to the school district, or in its discretion, may contract with an appropriate private entity with experience in the academic, finance and other operational functions of schools and school districts, who will be responsible for the administration, management and operation of

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the school district, including, but not limited to, the following activities:

(i) Approving or disapproving all financial obligations of the district, including, but not limited to, the employment, termination, nonrenewal and reassignment of all licensed and nonlicensed personnel, contractual agreements and purchase orders, and approving or disapproving all claim dockets and the issuance of checks; in approving or disapproving employment contracts of superintendents, assistant superintendents or principals, the interim conservator shall not be required to comply with the time limitations prescribed in Sections 37-9-15 and 37-9-105;

(ii) Supervising the day-to-day activities of the district's staff, including reassigning the duties and responsibilities of personnel in a manner which, in the determination of the conservator, will best suit the needs of the district;

(iii) Reviewing the district's total financial obligations and operations and making recommendations to the district for cost savings, including, but not limited to, reassigning the duties and responsibilities of staff;

(iv) Attending all meetings of the district's school board and administrative staff;

(v) Approving or disapproving all athletic, band and other extracurricular activities and any matters related to those activities;

(vi) Maintaining a detailed account of recommendations made to the district and actions taken in response to those recommendations;

(vii) Reporting periodically to the State Board of Education on the progress or lack of progress being made in the district to improve the district's impairments during the state of emergency; and

(viii) Appointing a parent advisory committee, comprised of parents of students in the school district that may make recommendations to the conservator concerning the administration, management and operation of the school district.

Except when, in the determination of the State Board of Education, the school district's impairment is related to a lack of financial resources, the cost of the salary of the conservator and any other actual and necessary costs related to the conservatorship paid by the State Department of Education shall be reimbursed by the local school district from funds other than adequate education program funds. The department shall submit an itemized statement to the superintendent of the local school district for reimbursement purposes, and any unpaid balance may be withheld from the district's adequate education program funds.

At the time that the Governor, in accordance with the request of the State Board of Education, declares that the state of emergency no longer exists in a school district, the powers and responsibilities of the interim conservator assigned to the district shall cease.

(b) In order to provide loans to school districts under a state of emergency or under conservatorship that have impairments related to a lack of financial resources, the School District Emergency Assistance Fund is created as a special fund in the State Treasury into which monies may be transferred or appropriated by the Legislature from any available public education funds. Funds in the School District Emergency Assistance Fund up to a maximum balance of Three Million Dollars (\$3,000,000.00) annually shall not lapse but shall be available for expenditure in subsequent years subject to approval of the State Board of Education. Any amount in the fund in excess of Three Million Dollars (\$3,000,000.00) at the end of the fiscal year shall lapse into the State General Fund or the Education Enhancement Fund, depending on the source of the fund.

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The State Board of Education may loan monies from the School District Emergency Assistance Fund to a school district that is under a state of emergency or under conservatorship, in those amounts, as determined by the board, that are necessary to correct the district's impairments related to a lack of financial resources. The loans shall be evidenced by an agreement between the school district and the State Board of Education and shall be repayable in principal, without necessity of interest, to the School District Emergency Assistance Fund, by the school district from any allowable funds that are available. The total amount loaned to the district shall be due and payable within five (5) years after the impairments related to a lack of financial resources are corrected. If a school district fails to make payments on the loan in accordance with the terms of the agreement between the district and the State Board of Education, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may withhold that district's adequate education program funds in an amount and manner that will effectuate repayment consistent with the terms of the agreement; the funds withheld by the department shall be deposited into the School District Emergency Assistance Fund.

The State Board of Education shall develop a protocol that will outline the performance standards and requisite time line deemed necessary for extreme emergency measures. If the State Board of Education determines that an extreme emergency exists, simultaneous with the powers exercised in this subsection, it shall take immediate action against all parties responsible for the affected school districts having been determined to be in an extreme emergency. The action shall include, but not be limited to, initiating civil actions to recover funds and criminal actions to account for criminal activity. Any funds recovered by the State Auditor or the State Board of Education from the surety bonds of school officials or from any civil action brought under

this subsection shall be applied toward the repayment of any loan made to a school district hereunder.

(15) If a majority of the membership of the school board of any school district resigns from office, the State Board of Education shall be authorized to assign an interim conservator, who shall be responsible for the administration, management and operation of the school district until the time as new board members are selected or the Governor declares a state of emergency in that school district under subsection (11), whichever occurs first. In that case, the State Board of Education, acting through the interim conservator, shall have all powers which were held by the previously existing school board, and may take any action as prescribed in Section 37-17-13 and/or one or more of the actions authorized in this section.

(16) (a) If the Governor declares a state of emergency in a school district, the State Board of Education may take all such action pertaining to that school district as is authorized under subsection (11) or (14) of Section 37-17-6, including the appointment of an interim conservator. The State Board of Education shall also have the authority to issue a written request with documentation to the Governor asking that the office of the superintendent of the school district be subject to recall. If the Governor declares that the office of the superintendent of the school district is subject to recall, the local school board or the county election commission, as the case may be, shall take the following action:

(i) If the office of superintendent is an elected office, in those years in which there is no general election, the name shall be submitted by the State Board of Education to the county election commission, and the county election commission shall submit the question at a special election to the voters eligible to vote for the office of superintendent within the county, and the special election shall be held within sixty (60)

days from notification by the State Board of Education. The ballot shall read substantially as follows:

"Shall County Superintendent of Education _____ (here the name of the superintendent shall be inserted) of the _____ (here the title of the school district shall be inserted) be retained in office? Yes _____ No _____"

If a majority of those voting on the question votes against retaining the superintendent in office, a vacancy shall exist which shall be filled in the manner provided by law; otherwise, the superintendent shall remain in office for the term of that office, and at the expiration of the term shall be eligible for qualification and election to another term or terms.

(ii) If the office of superintendent is an appointive office, the name of the superintendent shall be submitted by the president of the local school board at the next regular meeting of the school board for retention in office or dismissal from office. If a majority of the school board voting on the question vote against retaining the superintendent in office, a vacancy shall exist which shall be filled as provided by law, otherwise the superintendent shall remain in office for the duration of his employment contract.

(b) The State Board of Education may issue a written request with documentation to the Governor asking that the membership of the school board of the school district shall be subject to recall. Whenever the Governor declares that the membership of the school board is subject to recall, the county election commission or the local governing authorities, as the case may be, shall take the following action:

(i) If the members of the local school board are elected to office, in those years in which the specific member's office is not up for election, the name of the school board member shall be submitted by the State Board of Education to the county election commission, and the county election commission at a

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special election shall submit the question to the voters eligible to vote for the particular member's office within the county or school district, as the case may be, and the special election shall be held within sixty (60) days from notification by the State Board of Education. The ballot shall read substantially as follows:

"Members of the _____ (here the title of the school district shall be inserted) School Board who are not up for election this year are subject to recall because of the school district's failure to meet critical accountability standards as defined in the letter of notification to the Governor from the State Board of Education. Shall the member of the school board representing this area, _____ (here the name of the school board member holding the office shall be inserted), be retained in office? Yes _____ No _____"

If a majority of those voting on the question vote against retaining the member of the school board in office, a vacancy in that board member's office shall exist, which shall be filled in the manner provided by law; otherwise, the school board member shall remain in office for the term of that office, and at the expiration of the term of office, the member shall be eligible for qualification and election to another term or terms of office. However, if a majority of the school board members are recalled in the special election, the Governor shall authorize the board of supervisors of the county in which the school district is situated to appoint members to fill the offices of the members recalled. The board of supervisors shall make those appointments in the manner provided by law for filling vacancies on the school board, and the appointed members shall serve until the office is filled at the next regular special election or general election.

(ii) If the local school board is an appointed school board, the name of all school board members shall be submitted as a collective board by the president of the municipal

or county governing authority, as the case may be, at the next regular meeting of the governing authority for retention in office or dismissal from office. If a majority of the governing authority voting on the question vote against retaining the board in office, a vacancy shall exist in each school board member's office, which shall be filled as provided by law; otherwise, the members of the appointed school board shall remain in office for the duration of their term of appointment, and those members may be reappointed.

(iii) If the local school board is comprised of both elected and appointed members, the elected members shall be subject to recall in the manner provided in subparagraph (i) of this subsection, and the appointed members shall be subject to recall in the manner provided in subparagraph (ii).

(17) Beginning with the school district audits conducted for the 1997-1998 fiscal year, the State Board of Education, acting through the Commission on School Accreditation, shall require each school district to comply with standards established by the State Department of Audit for the verification of fixed assets and the auditing of fixed assets records as a minimum requirement for accreditation.

(18) Before December 1, 1999, the State Board of Education shall recommend a program to the Education Committees of the House of Representatives and the Senate for identifying and rewarding public schools that improve or are high performing. The program shall be described by the board in a written report, which shall include criteria and a process through which improving schools and high-performing schools will be identified and rewarded.

The State Superintendent of Public Education and the State Board of Education also shall develop a comprehensive accountability plan to ensure that local school boards, superintendents, principals and teachers are held accountable for student achievement. A written report on the accountability plan

shall be submitted to the Education Committees of both houses of the Legislature before December 1, 1999, with any necessary legislative recommendations.

(19) Before January 1, 2008, the State Board of Education shall evaluate and submit a recommendation to the Education Committees of the House of Representatives and the Senate on inclusion of graduation rate and dropout rate in the school level accountability system.

(20) If a local school district is determined as failing and placed into conservatorship for reasons authorized by the provisions of this section, the conservator appointed to the district shall, within forty-five (45) days after being appointed, present a detailed and structured corrective action plan to move the local school district out of conservatorship status to the local school board and local superintendent of education if they have not been removed by the conservator, or if the board and superintendent have been removed, to the local governing authority of the municipality or county in which the school district under conservatorship is located. A copy of the conservator's corrective action plan shall also be filed with the State Board of Education.

SECTION 2. Section 37-17-13, Mississippi Code of 1972, is amended as follows:

37-17-13. (1) Whenever the Governor declares a state of emergency in a school district in response to a certification by the State Board of Education and the Commission on School Accreditation made under Section 37-17-6(11)(b), the State Board of Education, in addition to any actions taken under Section 37-17-6, may abolish the school district and assume control and administration of the schools formerly constituting the district, and appoint a conservator to carry out this purpose under the direction of the State Board of Education. In such case, the State Board of Education shall have all powers which were held by

the previously existing school board, and the previously existing superintendent of schools or county superintendent of education, including, but not limited to, those enumerated in Section 37-7-301, and the authority to request tax levies from the appropriate governing authorities for the support of the schools and to receive and expend the tax funds as provided by Section 37-57-1 et seq., and Section 37-57-105 et seq.

(2) When a school district is abolished under this section, loans from the School District Emergency Assistance Fund may be made by the State Board of Education for the use and benefit of the schools formerly constituting the district in accordance with the procedures set forth in Section 37-17-6(14) for such loans to the district. The abolition of a school district under this section shall not impair or release the property of that school district from liability for the payment of the loan indebtedness, and it shall be the duty of the appropriate governing authorities to levy taxes on the property of the district so abolished from year to year according to the terms of the indebtedness until same shall be fully paid.

(3) After a school district is abolished under this section, at such time as the State Board of Education determines that the impairments have been substantially corrected, the State Board of Education shall reconstitute, reorganize or change or alter the boundaries of the previously existing district; however, no partition or assignment of territory formerly included in the abolished district to one or more other school districts may be made by the State Board of Education without the consent of the school board of the school district to which such territory is to be transferred, such consent to be spread upon its minutes. At that time, the State Board of Education, in appropriate cases, shall notify the appropriate governing authority or authorities of its action and request them to provide for the election or appointment of school board members * * * in the manner provided

by law. The State Board of Education shall also request the governing authority or authorities to provide for the appointment of a superintendent or superintendents to govern the reconstituted, reorganized or changed district or districts, which such appointed position shall apply in all school districts including those school districts in which the position of superintendent was previously an elected office. A board member or superintendent in office at the time the Governor declares a state of emergency in a school district to be abolished shall not be eligible to serve in that office for the school district reconstituted, reorganized or changed after the Governor declares that an emergency no longer exists.

SECTION 3. Section 37-5-71, Mississippi Code of 1972, is amended as follows:

37-5-71. (1) The county superintendents of education shall be elected in the manner prescribed by the provisions of this chapter, unless the school district is being reconstituted as provided in Section 37-17-13 or unless such office be made appointive as provided in this chapter, in which case the county superintendent shall be appointed by the county board of education or by the trustees of a separate school district embracing an entire county with a population of fifteen thousand (15,000) or less, as provided in subsection (2) of Section 37-7-203. In all cases he shall have such qualifications as prescribed by Section 37-9-13 and receive such compensation as established under Section 37-9-37.

(2) All qualified electors residing within any municipal separate or special municipal separate school district shall not vote in the election for the county superintendent of education:

(a) In all counties of the second class which have a population, according to the 1960 federal decennial census of at least thirty-three thousand (33,000) and less than thirty-four

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thousand (34,000), and having a city located therein which is the Southern Division of the A.T.&S.F. Railroad Company;

(b) In all counties of the fourth class which have a population, according to the 1960 federal decennial census, in excess of twenty-six thousand (26,000) and less than twenty-seven thousand (27,000), and having located therein the Mississippi State University of Agriculture and Applied Science;

(c) In all counties of the first class which have a population, according to the 1960 federal decennial census, in excess of forty-six thousand (46,000) and less than forty-seven thousand (47,000), and having located therein the Mississippi University for Women;

(d) In any county bordering on the Mississippi Sound and having a population in excess of one hundred thousand (100,000), according to the 1960 federal decennial census, and having an assessed valuation in excess of Seventy Million Dollars (\$70,000,000.00);

(e) In any county having a population in excess of eight thousand (8,000) and less than nine thousand (9,000), and having an assessed valuation in excess of Five Million Dollars (\$5,000,000.00) but less than Six Million Dollars (\$6,000,000.00) in 1960;

(f) In any county having a population in excess of twenty-two thousand (22,000) and less than twenty-three thousand (23,000) in 1960, and having a total assessed valuation in excess of Thirteen Million Dollars (\$13,000,000.00) in 1960;

(g) In any county having a population in excess of fifty-nine thousand (59,000) but less than sixty thousand (60,000), according to the 1960 federal decennial census;

(h) In any county bordered on the east by the Alabama line and on the south by the Mississippi Sound;

(i) In any county where Mississippi Highway 35 crosses U.S. Highway 80 and whose population, according to the 1960

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regular census, was between twenty-one thousand (21,000) and twenty-two thousand (22,000), and in which there are located four (4) or more chicken packing plants, one (1) zipper plant and one or more factories manufacturing Sunbeam electrical appliances;

(j) In any county having a population of twenty-six thousand one hundred ninety-eight (26,198) according to the 1970 census wherein Highways 51 and 84 intersect;

(k) In any county having a municipal separate school district lying therein, having a population in excess of twenty-one thousand (21,000) but less than twenty-one thousand five hundred (21,500), according to the 1960 decennial census, and having a combined assessed valuation in 1963 in excess of Sixteen Million Nine Hundred Thousand Dollars (\$16,900,000.00) but less than Seventeen Million Dollars (\$17,000,000.00) according to the State Tax Commission's compilation;

(l) In any county where Mississippi Highway 15 crosses Mississippi Highway 16, whose population was more than twenty thousand (20,000) and less than twenty-one thousand (21,000), according to the regular 1960 census, and within which there is located a Choctaw Indian reservation and school operated by the United States government;

(m) In any county where U.S. Highway 45W Alternate intersects Mississippi Highway 50, and having a population of eighteen thousand nine hundred thirty-three (18,933), according to the 1960 federal census;

(n) In any county having a population in excess of forty thousand five hundred (40,500), according to the 1960 federal decennial census, wherein U.S. Highways 78 and 45 intersect, and wherein there is a United States fish hatchery;

(o) In any county being traversed by Mississippi Highway 15 and U.S. Interstate Highway 20;

(p) In all counties wherein there is located a national military park and a national cemetery;

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(q) In any county where U.S. Highway 82 crosses U.S. Interstate Highway 55 and having a population of twelve thousand three hundred eighty-seven (12,387) according to the 1990 federal decennial census;

(r) In any county where U.S. Highway 49E and U.S. Highway 82 intersect, and having a population of thirty-seven thousand three hundred forty-one (37,341) according to the 1990 federal decennial census;

(s) In any county bordering the Mississippi River on the west and with a population of less than thirty-one thousand (31,000), according to the 2000 federal decennial census, and with a county seat in which U.S. Highway 49 and U.S. Highway 61 intersect.

In any such county, however, the county superintendent of education may be a resident of a municipal separate school district or special municipal separate school district.

(3) The qualified electors residing within the municipal separate school districts shall not participate in the election of the county superintendent of education:

(a) In any county having a population of more than twenty-seven thousand (27,000) and less than twenty-eight thousand (28,000) and containing therein a municipality having a population in excess of three thousand (3,000), according to the 1960 federal decennial census;

(b) In any Class 1 county wherein is located a state-supported university and a National Guard camp, and in which Interstate Highway 59 and U.S. Highway 49 intersect;

(c) In any Class 4 county having two (2) judicial districts, wherein is partially located a national forest, and wherein Mississippi Highways 8 and 15 intersect;

(d) In any Class 2 county, the southern boundary of which partially borders on the State of Louisiana, traversed by U.S. Highway 98 which intersects Mississippi Highway 13, with a

land area of five hundred fifty (550) square miles and having a population of twenty-three thousand two hundred ninety-three (23,293) in the 1960 federal decennial census;

(e) In any county bordering on the Gulf of Mexico or the Mississippi Sound having therein a test facility operated by the National Aeronautics and Space Administration;

(f) In any county having a population in excess of twenty-seven thousand one hundred seventy-nine (27,179) according to the 1970 federal decennial census, wherein U.S. Highways 45 and 72 intersect; and

(g) In any Class 1 county bordering on the Pearl River in which U.S. Highway 80 intersects Mississippi Highway 18 and having a population, according to the federal decennial census of 1970, of forty-three thousand nine hundred thirty-three (43,933).

(4) The county superintendent of education, with the approval of the county board of education by its first having adopted a resolution of approval and spread upon its minutes, shall be elected from the county at large, exclusive of the municipal separate school district boundaries:

(a) In any county bordering on the State of Tennessee having a land area of seven hundred ten (710) square miles, wherein is located part of a national forest, and wherein U.S. Highway 78 and Mississippi Highway 7 intersect;

(b) In any Class 4 county wherein is located the state's oldest state-supported university, in which Mississippi Highways 6 and 7 intersect. Provided, however, that if the method of selecting the county superintendent of education in such county is changed from an elective method to an appointive method, pursuant to the provisions of Section 37-5-68, this paragraph (b) shall stand repealed; and

(c) In any county having a population in excess of seventeen thousand (17,000) and less than eighteen thousand

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(18,000), according to the 1970 federal decennial census, wherein Mississippi Highways 6 and 9 intersect.

(5) In any county having a municipality of between forty-nine thousand (49,000) and fifty thousand (50,000) population according to the 1960 federal census, and adjoining the Alabama line, wherein U.S. Highways 80 and 45 intersect, the qualified electors residing within any municipal separate school district shall not participate in the election of the county superintendent of education, and such county superintendent of education shall not be a resident of a municipal separate school district.

(6) In any county traversed by the Natchez Trace Parkway wherein U.S. Highway 45 and Mississippi Highway 4 intersect and having a population of seventeen thousand nine hundred forty-nine (17,949) according to the 1960 federal census, the qualified electors residing within any municipal separate school district shall not participate in the election of the county superintendent of education, and such county superintendent of education shall not be a resident of a municipal separate school district.

SECTION 4. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 5. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2752

Description: Coordinated School Health Pilot Program based on federal model; authorize SDE and SDH to establish.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 555

History of Actions:

- 1 02/20 (S) Referred To Education;Appropriations
- 2 02/28 (S) DR - TSDP: ED To AP
- 3 03/01 (S) Title Suff Do Pass
- 4 03/07 (S) Passed
- 5 03/08 (S) Transmitted To House
- 6 03/14 (H) Referred To Education;Appropriations
- 7 03/28 (H) DR - TSDPAA: ED To AP
- 8 04/03 (H) DR - TSDPAA: AP To ED
- 9 04/03 (H) Title Suff Do Pass As Amended
- 10 04/10 (H) Amended
- 11 04/10 (H) Passed As Amended
- 12 04/11 (H) Returned For Concurrence
- 13 04/18 (S) Decline to Concur/Invite Conf
- 14 04/24 (S) Conferees Named Tollison,Collins,Wilemon
- 15 04/26 (H) Conferees Named Moore,Barker,Clarke
- 16 04/30 (S) Conference Report Filed
- 17 04/30 (H) Conference Report Filed
- 18 05/01 (S) Conference Report Adopted
- 19 05/01 (H) Conference Report Adopted
- 20 05/07 (S) Enrolled Bill Signed
- 21 05/08 (H) Enrolled Bill Signed
- 22 05/22 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2752

Conference Reports:

Conference Report

Code Section: A 037-0013-0134

----- Additional Information -----

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Senate Committee: Education, Appropriations

House Committee: Education, Appropriations

Principal Author: Tollison

Additional Authors: Jackson (11th)

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Tollison, Jackson (11th)

To: Education;
Appropriations

SENATE BILL NO. 2752
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-13-134, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE DEPARTMENT OF EDUCATION AND THE STATE DEPARTMENT OF HEALTH TO ESTABLISH A SCHOOL HEALTH PILOT PROGRAM BASED UPON APPROPRIATE SCIENCE-BASED WELLNESS POLICIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-13-134, Mississippi Code of 1972, is amended as follows:

37-13-134. (1) The Legislature recognizes that there is a problem with Mississippi student inactivity and obesity, and therefore requires the following guidelines for school district physical education, health education and physical activity and fitness classes:

Kindergarten through Grade 8: One hundred fifty (150) minutes per week of physical activity-based instruction and forty-five (45) minutes per week of health education instruction, as defined by the State Board of Education.

Grades 9 through 12: 1/2 Carnegie unit requirement in physical education or physical activity for graduation.

All instruction in physical education, health education and physical activity must be based on the most current state standards provided by the State Department of Education.

(2) Beginning with the 2006-2007 school year, each local school board shall, consistent with regulations adopted by the State Board of Education, adopt a school wellness plan which shall promote a healthy lifestyle for Mississippi's school children and staff. Beginning with the 2008-2009 school year, the school wellness plan shall also promote increased physical activity,

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healthy eating habits and abstinence from the use of tobacco and illegal drugs through programs that incorporate healthy lifestyle choices into core subject areas which may be developed in partnership with the Institute for America's Health.

(3) Beginning with the 2012-2013 school year, the State Board of Education, in consultation with the State Department of Health, shall have the authority to establish a school health pilot program to improve student health so that all students can fully participate and be successful in school. The school health pilot program shall be implemented in local school districts, as provided in Section 2 of this act.

(4) The Legislature shall appropriate sufficient state-source funds for the State Department of Education to employ a physical activity coordinator to assist districts on current and effective practices and on implementation of physical education and physical activity programs.

(5) The physical activity coordinator employed under Section 37-13-133 must have the qualifications prescribed in any of the following paragraphs, which are listed in the order of preference:

(a) A doctorate in physical education, exercise science or a highly related field, and at least three (3) years of experience in teaching physical education in Grades K-12 or in physical activity promotion/fitness leadership; or

(b) A master's degree in physical education, exercise science or a highly related field, and at least five (5) years of experience in teaching physical education in Grades K-12 or in physical activity promotion/fitness leadership; or

(c) A bachelor's degree in physical education, a teacher's license, and at least seven (7) years of experience in teaching physical education in Grades K-12 or in physical activity promotion/fitness leadership.

(6) The Governor's Commission on Physical Fitness and Sports created under Section 7-1-551 et seq., the Mississippi Council on

Obesity Prevention and Management created under Section 41-101-1 et seq., the Task Force on Heart Disease and Stroke Prevention created under Section 41-103-1 et seq., the Mississippi Alliance for Health, Physical Education, Recreation and Dance, and the Mississippi Alliance for School Health shall provide recommendations to the State Department of Education regarding the employment of the physical activity coordinator. The department shall consider the recommendations of those entities in employing the physical activity coordinator.

(7) The physical activity coordinator shall present a state physical activity plan each year to the Governor's Commission on Physical Fitness and Sports, the Mississippi Council on Obesity Prevention and Management, the Task Force on Heart Disease and Stroke Prevention, the Mississippi Alliance for Health, Physical Education, Recreation and Dance, and the Mississippi Alliance for School Health.

(8) The physical activity coordinator shall monitor the districts for adherence to current Mississippi school accountability standards and for implementation of the physical education curriculum on file with the State Department of Education. The State Department of Education shall monitor and act as a clearinghouse for the activities of the local school health councils established pursuant to subsection (8) of this section.

(9) (a) The local school board of each school district shall establish a local school health council for each school which shall ensure that local community values are reflected in the local school's wellness plan to address school health. Such councils shall be established no later than November 1, 2006.

(b) The local school health council's duties shall include, but not be limited to, the following:

(i) Recommend age appropriate curriculum and the number of hours of instruction to be provided in health and

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physical activity-based education, provided that the number of hours shall not be less than that required by Section 37-13-134;

(ii) Recommend appropriate practices that include a coordinated approach to school health designed to prevent obesity, cardiovascular disease, Type II diabetes and other health risks, through coordination of:

1. Health education;
2. Physical education;
3. Nutritional services;
4. Parental/Community involvement;
5. Instruction to prevent the use of tobacco, drugs and alcohol;
6. Physical activity;
7. Health services;
8. Healthy environment;
9. Counseling and psychological services;
10. Healthy lifestyles; and
11. Staff wellness.

(iii) Provide guidance on the development and implementation of the local school wellness plan.

(c) The local school board shall appoint members to the local school health council. At a minimum, the school board shall appoint one (1) person from each of the following groups:

- (i) Parents who are not employed by the school district;
- (ii) The director of local school food services;
- (iii) Public schoolteachers;
- (iv) Public school administrators;
- (v) District students;
- (vi) Health care professionals;
- (vii) The business community;
- (viii) Law enforcement;
- (ix) Senior citizens;

- (x) The clergy;
- (xi) Nonprofit health organizations; and
- (xii) Faith-based organizations.

(10) Nothing in this section shall be construed to prohibit or limit the sale or distribution of any food or beverage item through fund-raisers conducted by students, teachers, school groups, or parent groups when the items are intended for sale off the school campus.

SECTION 2. (1) Subject to available funding, the State Department of Education, in consultation with the State Department of Health, shall establish the school health grant pilot program to improve student health by assisting local school districts in implementing a school health program. In order to qualify for a school health grant, a school district shall submit a detailed implementation plan, developed in accordance with the guidelines for a school health program developed by the State Department of Education, and including the following components:

(a) A dedicated school health coordinator and technical and administrative support for collection of data and program evaluation.

(b) A description of how the school district currently addresses physical activity, nutrition, and other obesity prevention measures.

(c) A description of how the agency would use the state grant to augment what it is currently doing, including defining priorities based on the students' health need and meeting education performance indicators, developing an action plan for addressing those needs based on realistic goals and measurable objectives, establishing a timeline for implementation, and developing and maintaining a system to evaluate progress and outcomes for the program.

(d) All school districts receiving grants will report annually to the State Department of Education progress towards the

achievement of state education performance indicators and standards and requirements relating to physical activity and nutrition.

(2) The amount in the coordinated school health grant pilot program shall be limited to the amount appropriated and shall be available to school districts based on the guidelines developed by the State Department of Education.

(3) Any grants made to school district shall be expended to supplement and not supplant any funds already expended as school health programs. For this purpose, expenditures of components enumerated in subsection (2) of this section for the current fiscal year shall be considered the base expenditure on school health and any school district receiving grant funds shall maintain this base.

(4) There is created in the State Treasury a fund into which any public or private funds from any source shall be deposited for the support of the activities of coordinated school health grant pilot program.

(5) State grants are only for coordination and improvement of school health programs to improve student health in accordance with the detailed plan submitted in accordance with subsection (2) of this section.

(6) The State Department of Education and the State Department of Health shall coordinate existing school health programs, grants and initiatives. To the extent possible, existing contracts and waiver requirements and funding, including Medicaid funding, shall also be coordinated.

(7) The use of grant funds shall be subject to audit by the Office of the State Auditor.

SECTION 3. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2760

Description: School district consolidation; require in certain counties and study administrative consolidation of agricultural high schools.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: VRA

Chapter Number: 551

History of Actions:

- 1 02/20 (S) Referred To Education
- 2 03/06 (S) Title Suff Do Pass Comm Sub
- 3 03/14 (S) Committee Substitute Adopted
- 4 03/14 (S) Amended
- 5 03/14 (S) Passed As Amended
- 6 03/14 (S) Motion to Reconsider Entered
- 7 03/16 (S) Motion to Reconsider Tabled
- 8 03/19 (S) Transmitted To House
- 9 03/21 (H) Referred To Education; Appropriations
- 10 03/29 (H) DR - TSDPAA: ED To AP
- 11 04/03 (H) DR - TSDPAA: AP To ED
- 12 04/03 (H) Title Suff Do Pass As Amended
- 13 04/10 (H) Amended
- 14 04/10 (H) Passed As Amended
- 15 04/13 (H) Returned For Concurrence
- 16 04/18 (S) Decline to Concur/Invite Conf
- 17 04/24 (S) Conferees Named Tollison, Wiggins, Hudson
- 18 04/26 (H) Conferees Named Moore, Barker, Clarke
- 19 04/30 (S) Conference Report Filed
- 20 04/30 (H) Conference Report Filed
- 21 05/01 (S) Motion to Recommit Lost
- 22 05/01 (S) Conference Report Adopted
- 23 05/01 (H) Motion to Recommit Lost
- 24 05/01 (H) Conference Report Adopted
- 25 05/07 (S) Enrolled Bill Signed
- 26 05/08 (H) Enrolled Bill Signed
- 27 05/22 Approved by Governor

Amendments:

- [S] Amendment No 1 (Cmte Sub) *Adopted*
- [S] Amendment No 2 (Cmte Sub) *Adopted*
- [S] Amendment No 3 (Cmte Sub) *Lost*
- [H] Committee Amendment No 1 *Adopted*
- [H] Amendment No 1 to Committee Amendment No 1 *Adopted*

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Amendment Report for Senate Bill No. 2760

Conference Reports:

Conference Report

Code Section: A 037-0007-0103, A 037-0027-0079

----- Additional Information -----

Senate Committee: Education

House Committee: Education, Appropriations

Principal Author: Tollison

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2760
(As Sent to Governor)

AN ACT TO CODIFY SECTION 37-7-104.1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN BOLIVAR COUNTY THERE SHALL BE AN ADMINISTRATIVE CONSOLIDATION INTO TWO SCHOOL DISTRICTS TO BE DESIGNATED AS NORTH BOLIVAR CONSOLIDATED SCHOOL DISTRICT AND WEST BOLIVAR CONSOLIDATED SCHOOL DISTRICT; TO AUTHORIZE AND DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND PROMULGATE A CONSOLIDATION ORDER FOR THE SCHOOL DISTRICTS IN SAID COUNTY UNDER CERTAIN STANDARDS; TO PROVIDE FOR TWO NEW BOARDS OF TRUSTEES TO BE ELECTED IN SUCH CONSOLIDATED SCHOOL DISTRICT IN A NOVEMBER 2013 SPECIAL ELECTION; TO DIRECT THE STATE BOARD OF EDUCATION TO ADMINISTRATIVELY CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT VOLUNTARILY FOLLOW THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER SCHOOL BOARDS FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND PROVIDE FOR THE TRANSFER OF SCHOOL DISTRICT ASSETS AND LIABILITIES; TO PROVIDE FOR EXECUTION OF TEACHER AND SCHOOL DISTRICT EMPLOYEE CONTRACTS IN THE NEW SCHOOL DISTRICTS AND TO PROVIDE FOR THE PREPARATION OF SCHOOL DISTRICT BUDGETS IN THE NEW SCHOOL DISTRICTS; TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS TO IMPLEMENT SUCH ADMINISTRATIVE CONSOLIDATION; TO AMEND SECTION 37-7-103, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 37-27-79, MISSISSIPPI CODE OF 1972, TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A REPORT WITH RECOMMENDATIONS ON THE ADMINISTRATIVE CONSOLIDATION OF THE STATE'S AGRICULTURAL HIGH SCHOOLS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section

37-7-104.1, Mississippi Code of 1972:

37-7-104.1. (1) In Bolivar County, Mississippi, in which are located, as of January 1, 2012, six (6) school districts, there shall be an administrative consolidation of all of the school districts in the county into three (3) school districts as follows:

(a) One (1) existing school district which shall be the Cleveland Municipal Separate School District;

(b) One (1) new consolidated school district to be designated as North Bolivar Consolidated School District which

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shall consist of the territory of the former North Bolivar School District and the Mound Bayou Public School District. The central administrative office of the North Bolivar Consolidated School District shall be located in Mound Bayou, Mississippi; and

(c) One (1) new consolidated school district to be designated as West Bolivar Consolidated School District which shall consist of the territory of the former West Bolivar School District, Shaw School District and Benoit School District. The central administrative office of the West Bolivar Consolidated School District shall be located in Rosedale, Mississippi.

(2) On or before September 1, 2012, the State Board of Education shall serve the local school boards in Bolivar County with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section. The State Board of Education shall provide for the administrative consolidation of all school districts in the county outside of the territory of Cleveland Municipal Separate School District into North Bolivar Consolidated School District and West Bolivar Consolidated School District on or before July 1, 2014. In each new consolidated school district there shall be a new consolidated school district board of trustees elected in a November 2013 special election which shall be called by the Governor for that purpose. The new consolidated school district boards of trustees shall be elected and the terms of office established as provided in Section 37-7-207, Mississippi Code of 1972. The State Board of Education shall determine the boundary lines for the territory of the two (2) new school districts and shall spread a legal description of the new school districts on the minutes of its August 2012 meeting and shall serve the applicable school boards and the board of supervisors with an adequate legal description of these new boundaries. It shall be the responsibility of the State Board of Education with the assistance of the Joint Legislative Committee on Performance

Evaluation and Expenditure Review (PEER) to apportion the territory of the two (2) new school districts into five (5) new board of trustee election districts for each new school district. The State Board of Education shall thereafter publish the same in some newspaper of general circulation in said county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the school boards of each school district in the county, said new district lines will thereafter be effective for the November 2013 special election. Any school board member of the former school district residing in the proper election district shall be eligible for election to the new board of trustees for North Bolivar Consolidated School District or West Bolivar Consolidated School District. The local school board of each new school district shall reapportion the school board districts in accordance with the procedure described in Section 37-7-207, Mississippi Code of 1972, as is necessary as soon as practicable after the 2020 decennial census are published and as soon as practicable after every decennial census thereafter. Any school district affected by the required administrative consolidation in such county that does not voluntarily consolidate with the two (2) new school districts ordered by the State Board of Education shall be administratively consolidated by the State Board of Education with the appropriate school district in which such district is located, to be effective on July 1 following the election of the new local school boards. The State Board of Education shall promptly move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into two (2) school districts by July 1 following the election of the new school boards. All affected school districts shall comply with any

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consolidation order issued by the State Board of Education on or before July 1 following the election of the new school boards.

(3) On July 1 following the election of the new school district boards of trustees in Bolivar County, the former county board of education and the former board of trustees of North Bolivar School District, Mound Bayou Public School District, West Bolivar School District, Shaw School District and Benoit School District shall be abolished. All real and personal property which is owned or titled in the name of a school district located in such former school district shall be transferred to the new reorganized school district of Bolivar County in which such former school district is located. Each former school board shall be responsible for establishing the contracts for teachers and principals for the next school year following the required administrative consolidation with the consultation of the newly elected successor school boards. The new Board of Trustees for the North Bolivar Consolidated School District shall appoint the Superintendent of Schools for said school district, and the Board of Trustees for the West Bolivar Consolidated School District shall appoint the Superintendent of Schools for said school district. The subsequent superintendent of schools of said reorganized school districts shall not be elected but shall thereafter be appointed by the successor boards of trustees in the manner provided in Section 37-9-25. Any superintendent serving in the former school districts shall be eligible for appointment as a superintendent in North Bolivar Consolidated School District or West Bolivar Consolidated School District. North Bolivar Consolidated School District and West Bolivar Consolidated School District shall not have more than one (1) assistant superintendent. It shall be the responsibility of the successor boards of trustees to prepare and approve the budget of the respective new reorganized districts, and the successor boards of trustees may use staff from the former school districts to prepare

the budget. Any proposed order of the State Board of Education directing the transfer of the assets, real or personal property of an affected school district in the county, shall be final and conclusive for the purposes of the transfer of property required by such administrative consolidation. Any person or school district aggrieved by an order of the successor newly elected board of trustees of a consolidated school district pursuant to the required administrative consolidation may appeal therefrom to the State Board of Education within ten (10) days from the date of the adjournment of the meeting at which such order is entered. Such appeal shall be de novo, and the finding of the State Board of Education upon such question shall be final and conclusive for the purpose of the approval or disapproval of the action by said county board of education.

(4) When any school district in such county is abolished under the provisions of this section, the abolition thereof shall not impair or release the property of such former school district from liability for the payment of the bonds or other indebtedness of such district.

(5) Nothing in this section shall be construed to require the closing of any school or school facility, unless such facility is an unneeded administrative office located within a school district which has been abolished under the provisions of this section. All administrative consolidations under this section shall be accomplished so as not to delay or in any manner negatively affect the desegregation of another school district in the county pursuant to court order.

(6) The State Board of Education shall promulgate rules and regulations to facilitate the administrative consolidation of the school districts in Bolivar County pursuant to this section. The consolidated districts shall make an election within one (1) year of consolidation concerning the group term life insurance described in subsection (7) of Section 25-15-9. When the orders

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of the State Board of Education adopting the boundaries of the successor school districts and the successor board of trustees election districts have been entered and are final, as directed by the State Board of Education, the new district lines shall be submitted by the State Board of Education with the assistance of the Attorney General to the Attorney General of the United States for preclearance or to the United States District Court for the District of Columbia for a declaratory judgment in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended. In the event the change in the school district lines and election districts are precleared or approved, the State Board of Education shall formally declare the new lines as the new boundaries of the successor school districts.

SECTION 2. Section 37-7-103, Mississippi Code of 1972, is amended as follows:

37-7-103. From and after July 1, 1987, the school board of any school district shall have full jurisdiction, power and authority, at any regular meeting thereof or at any special meeting called for that purpose, to abolish such existing district, or to reorganize, change or alter the boundaries of any such district. In addition thereto, with the consent of the school board of the school district involved, the school board may add to such school district any part of the school district adjoining same, and with the consent of the school board of the school district involved, may detach territory from such school district and annex same to an adjoining district. Provided, however, that the consent of the school board of the school districts involved in implementing the provisions of Section 37-7-104, 37-7-104.1, or Section 37-27-79, Mississippi Code of 1972, shall not be required for the administrative consolidation of such school districts pursuant to the order of the State Board of Education.

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SECTION 3. Section 37-27-79, Mississippi Code of 1972, is amended as follows:

37-27-79. (1) The State Board of Education shall review and develop a report relating to the need for a separate board of trustees and separate administrative office for the Coahoma Agricultural High School, the Forrest Agricultural High School and the Hinds Agricultural High School and shall submit this finding with recommendations for any necessary legislation to the Chairmen of the Senate and House Education Committees on or before December 1, 2012, for consideration in the 2013 Regular Session. Said report shall include any necessary recommendations for the consolidation and transfer of administrative offices, transfer of real and personal property, and transfer of students from such agricultural high school to the appropriate school district.

(2) Any agricultural high school in this state (whether maintained by one (1) county or more than one (1) county) may be abolished when twenty percent (20%) of the qualified electors residing in such county or counties shall file a petition with the board of supervisors or boards of supervisors of such county or counties, and request that such school be abolished. Thereupon, the question shall be submitted to an election of the qualified electors of the county or counties within not less than thirty (30) days nor more than sixty (60) days after the next meeting of the board of supervisors or boards of supervisors after the filing of the petition. At such election said electors may vote for abolishing the agricultural high school or against abolishing the agricultural high school. If a majority of the votes cast in such election be in favor of abolishing such school, then such school shall be abolished. If less than a majority of those voting fail to vote for abolishing such school then it shall not be abolished but shall be supported and maintained as now provided by law. When an election is called under this section and the school is

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not abolished, then another election cannot be held for a period of two (2) years.

SECTION 4. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 5. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2761

Description: School District Procurement Efficiency Commission; continue under State Department of Education and authorize procurement cards.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2012

Chapter Number: 543

History of Actions:

1 02/20 (S) Referred To Education;Accountability, Efficiency,
Transparency
2 02/28 (S) DR - TSDPCS: ED To AC
3 03/02 (S) DR - TSDP: AC To ED
4 03/06 (S) Title Suff Do Pass
5 03/14 (S) Passed
6 03/15 (S) Transmitted To House
7 03/19 (H) Referred To Education;Appropriations
8 03/28 (H) DR - TSDP: ED To AP
9 04/03 (H) DR - TSDP: AP To ED
10 04/03 (H) Title Suff Do Pass
11 04/10 (H) Amended
12 04/10 (H) Passed As Amended
13 04/11 (H) Returned For Concurrence
14 04/18 (S) Decline to Concur/Invite Conf
15 04/24 (S) Conferees Named Tollison, Hopson, Harden
16 04/26 (H) Conferees Named Moore, Holloway, Clarke
17 04/28 (S) Conference Report Filed
18 04/28 (H) Conference Report Filed
19 04/29 (S) Conference Report Adopted
20 04/30 (H) Conference Report Adopted
21 05/03 (S) Enrolled Bill Signed
22 05/03 (H) Enrolled Bill Signed
23 05/22 Approved by Governor

Amendments:

[H] Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2761

Conference Reports:

Conference Report

Code Section: A 037-0007-0301, A 037-0061-0033, A 031-0007-0009, A 037-0151-0103,
A 037-0009-0039, A 037-0007-0307

----- Additional Information -----

Senate Committee: Education, Accountability, Efficiency, Transparency

House Committee: Education, Appropriations

Principal Author: Tollison

2012 GENERAL LAWS OF MISSISSIPPI, SB 2761

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Tollison

To: Education;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2761
(As Sent to Governor)

AN ACT TO ESTABLISH A COMMISSION ON SCHOOL DISTRICT EFFICIENCY WITHIN THE STATE DEPARTMENT OF EDUCATION AND REQUIRE ANNUAL REPORTS TO THE GOVERNOR AND THE LEGISLATURE RELATIVE TO BUSINESS EFFICIENCY STANDARDS FOR ACCREDITATION; TO AMEND SECTIONS 37-7-301, 37-61-33 AND 31-7-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ADOPT PURCHASING REGULATIONS REGARDING THE USE OF PROCUREMENT CARDS BY SCHOOL DISTRICTS AND TEACHER SUPPLY FUNDS AND TO ISSUE PROCUREMENT CARDS TO TEACHERS ON AN ANNUAL BASIS FOR THE PURCHASE OF SAID INSTRUCTIONAL MATERIALS; TO AMEND SECTION 37-151-103 AND 37-9-39, MISSISSIPPI CODE OF 1972, TO CLARIFY THE PAYROLL DATE FOR SCHOOL DISTRICTS; TO AMEND SECTION 37-7-307, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE USE OF DONATED LEAVE BY SCHOOL DISTRICT PERSONNEL; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The State Board of Education is hereby authorized to establish a Standing Commission on School District Efficiency. The commission shall meet and study the operations, rules, policies and regulations in school districts on an ongoing basis for the purpose of identifying opportunities to increase efficiencies, and to determine appropriate efficiency standards that should be considered for accreditation standards. The commission shall report annually its findings and recommendations to the State Board of Education, and the State Board of Education may make its report and recommendations annually to the Legislature seeking legislative support to achieve efficiencies in school districts. In establishing the Standing Commission on School District Efficiency the State Board of Education shall provide that the membership not be less than six (6) members. The State Board of Education shall appoint school district employees proficient in the areas of fiscal management, procurement, data processing or other fields of school business, with at least one

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(1) member being appointed from each congressional district. The commission shall meet on a date designated by the State Superintendent of Education and organize by selecting a chairman and adopt rules for conducting business. Members of the commission shall serve without compensation, but may be reimbursed for necessary travel expenses from any available funds for attending official meetings of the commission. The State Department of Education shall provide necessary administrative and clerical support for the functions of the commission.

SECTION 2. Section 37-7-301, Mississippi Code of 1972, is amended as follows:

37-7-301. The school boards of all school districts shall have the following powers, authority and duties in addition to all others imposed or granted by law, to wit:

(a) To organize and operate the schools of the district and to make such division between the high school grades and elementary grades as, in their judgment, will serve the best interests of the school;

(b) To introduce public school music, art, manual training and other special subjects into either the elementary or high school grades, as the board shall deem proper;

(c) To be the custodians of real and personal school property and to manage, control and care for same, both during the school term and during vacation;

(d) To have responsibility for the erection, repairing and equipping of school facilities and the making of necessary school improvements;

(e) To suspend or to expel a pupil or to change the placement of a pupil to the school district's alternative school or homebound program for misconduct in the school or on school property, as defined in Section 37-11-29, on the road to and from school, or at any school-related activity or event, or for conduct occurring on property other than school property or other than at

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a school-related activity or event when such conduct by a pupil, in the determination of the school superintendent or principal, renders that pupil's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole, and to delegate such authority to the appropriate officials of the school district;

(f) To visit schools in the district, in their discretion, in a body for the purpose of determining what can be done for the improvement of the school in a general way;

(g) To support, within reasonable limits, the superintendent, principal and teachers where necessary for the proper discipline of the school;

(h) To exclude from the schools students with what appears to be infectious or contagious diseases; provided, however, such student may be allowed to return to school upon presenting a certificate from a public health officer, duly licensed physician or nurse practitioner that the student is free from such disease;

(i) To require those vaccinations specified by the State Health Officer as provided in Section 41-23-37;

(j) To see that all necessary utilities and services are provided in the schools at all times when same are needed;

(k) To authorize the use of the school buildings and grounds for the holding of public meetings and gatherings of the people under such regulations as may be prescribed by said board;

(l) To prescribe and enforce rules and regulations not inconsistent with law or with the regulations of the State Board of Education for their own government and for the government of the schools, and to transact their business at regular and special meetings called and held in the manner provided by law;

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(m) To maintain and operate all of the schools under their control for such length of time during the year as may be required;

(n) To enforce in the schools the courses of study and the use of the textbooks prescribed by the proper authorities;

(o) To make orders directed to the superintendent of schools for the issuance of pay certificates for lawful purposes on any available funds of the district and to have full control of the receipt, distribution, allotment and disbursement of all funds provided for the support and operation of the schools of such school district whether such funds be derived from state appropriations, local ad valorem tax collections, or otherwise. The local school board shall be authorized and empowered to promulgate rules and regulations that specify the types of claims and set limits of the dollar amount for payment of claims by the superintendent of schools to be ratified by the board at the next regularly scheduled meeting after payment has been made;

(p) To select all school district personnel in the manner provided by law, and to provide for such employee fringe benefit programs, including accident reimbursement plans, as may be deemed necessary and appropriate by the board;

(q) To provide athletic programs and other school activities and to regulate the establishment and operation of such programs and activities;

(r) To join, in their discretion, any association of school boards and other public school-related organizations, and to pay from local funds other than minimum foundation funds, any membership dues;

(s) To expend local school activity funds, or other available school district funds, other than minimum education program funds, for the purposes prescribed under this paragraph. "Activity funds" shall mean all funds received by school officials in all school districts paid or collected to participate in any

school activity, such activity being part of the school program and partially financed with public funds or supplemented by public funds. The term "activity funds" shall not include any funds raised and/or expended by any organization unless commingled in a bank account with existing activity funds, regardless of whether the funds were raised by school employees or received by school employees during school hours or using school facilities, and regardless of whether a school employee exercises influence over the expenditure or disposition of such funds. Organizations shall not be required to make any payment to any school for the use of any school facility if, in the discretion of the local school governing board, the organization's function shall be deemed to be beneficial to the official or extracurricular programs of the school. For the purposes of this provision, the term "organization" shall not include any organization subject to the control of the local school governing board. Activity funds may only be expended for any necessary expenses or travel costs, including advances, incurred by students and their chaperons in attending any in-state or out-of-state school-related programs, conventions or seminars and/or any commodities, equipment, travel expenses, purchased services or school supplies which the local school governing board, in its discretion, shall deem beneficial to the official or extracurricular programs of the district, including items which may subsequently become the personal property of individuals, including yearbooks, athletic apparel, book covers and trophies. Activity funds may be used to pay travel expenses of school district personnel. The local school governing board shall be authorized and empowered to promulgate rules and regulations specifically designating for what purposes school activity funds may be expended. The local school governing board shall provide (i) that such school activity funds shall be maintained and expended by the principal of the school generating the funds in individual bank accounts, or (ii) that such school

activity funds shall be maintained and expended by the superintendent of schools in a central depository approved by the board. The local school governing board shall provide that such school activity funds be audited as part of the annual audit required in Section 37-9-18. The State Department of Education shall prescribe a uniform system of accounting and financial reporting for all school activity fund transactions;

(t) To contract, on a shared savings, lease or lease-purchase basis, for energy efficiency services and/or equipment as provided for in Section 31-7-14, not to exceed ten (10) years;

(u) To maintain accounts and issue pay certificates on school food service bank accounts;

(v) (i) To lease a school building from an individual, partnership, nonprofit corporation or a private for-profit corporation for the use of such school district, and to expend funds therefor as may be available from any nonminimum program sources. The school board of the school district desiring to lease a school building shall declare by resolution that a need exists for a school building and that the school district cannot provide the necessary funds to pay the cost or its proportionate share of the cost of a school building required to meet the present needs. The resolution so adopted by the school board shall be published once each week for three (3) consecutive weeks in a newspaper having a general circulation in the school district involved, with the first publication thereof to be made not less than thirty (30) days prior to the date upon which the school board is to act on the question of leasing a school building. If no petition requesting an election is filed prior to such meeting as hereinafter provided, then the school board may, by resolution spread upon its minutes, proceed to lease a school building. If at any time prior to said meeting a petition signed by not less than twenty percent (20%) or fifteen hundred (1500), whichever is

less, of the qualified electors of the school district involved shall be filed with the school board requesting that an election be called on the question, then the school board shall, not later than the next regular meeting, adopt a resolution calling an election to be held within such school district upon the question of authorizing the school board to lease a school building. Such election shall be called and held, and notice thereof shall be given, in the same manner for elections upon the questions of the issuance of the bonds of school districts, and the results thereof shall be certified to the school board. If at least three-fifths (3/5) of the qualified electors of the school district who voted in such election shall vote in favor of the leasing of a school building, then the school board shall proceed to lease a school building. The term of the lease contract shall not exceed twenty (20) years, and the total cost of such lease shall be either the amount of the lowest and best bid accepted by the school board after advertisement for bids or an amount not to exceed the current fair market value of the lease as determined by the averaging of at least two (2) appraisals by certified general appraisers licensed by the State of Mississippi. The term "school building" as used in this paragraph (v) (i) shall be construed to mean any building or buildings used for classroom purposes in connection with the operation of schools and shall include the site therefor, necessary support facilities, and the equipment thereof and appurtenances thereto such as heating facilities, water supply, sewage disposal, landscaping, walks, drives and playgrounds. The term "lease" as used in this paragraph (v) (i) may include a lease/purchase contract;

(ii) If two (2) or more school districts propose to enter into a lease contract jointly, then joint meetings of the school boards having control may be held but no action taken shall be binding on any such school district unless the question of leasing a school building is approved in each participating school

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district under the procedure hereinabove set forth in paragraph (v)(i). All of the provisions of paragraph (v)(i) regarding the term and amount of the lease contract shall apply to the school boards of school districts acting jointly. Any lease contract executed by two (2) or more school districts as joint lessees shall set out the amount of the aggregate lease rental to be paid by each, which may be agreed upon, but there shall be no right of occupancy by any lessee unless the aggregate rental is paid as stipulated in the lease contract. All rights of joint lessees under the lease contract shall be in proportion to the amount of lease rental paid by each;

(w) To employ all noninstructional and noncertificated employees and fix the duties and compensation of such personnel deemed necessary pursuant to the recommendation of the superintendent of schools;

(x) To employ and fix the duties and compensation of such legal counsel as deemed necessary;

(y) Subject to rules and regulations of the State Board of Education, to purchase, own and operate trucks, vans and other motor vehicles, which shall bear the proper identification required by law;

(z) To expend funds for the payment of substitute teachers and to adopt reasonable regulations for the employment and compensation of such substitute teachers;

(aa) To acquire in its own name by purchase all real property which shall be necessary and desirable in connection with the construction, renovation or improvement of any public school building or structure. Whenever the purchase price for such real property is greater than Fifty Thousand Dollars (\$50,000.00), the school board shall not purchase the property for an amount exceeding the fair market value of such property as determined by the average of at least two (2) independent appraisals by certified general appraisers licensed by the State of Mississippi.

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If the board shall be unable to agree with the owner of any such real property in connection with any such project, the board shall have the power and authority to acquire any such real property by condemnation proceedings pursuant to Section 11-27-1 et seq., Mississippi Code of 1972, and for such purpose, the right of eminent domain is hereby conferred upon and vested in said board. Provided further, that the local school board is authorized to grant an easement for ingress and egress over sixteenth section land or lieu land in exchange for a similar easement upon adjoining land where the exchange of easements affords substantial benefit to the sixteenth section land; provided, however, the exchange must be based upon values as determined by a competent appraiser, with any differential in value to be adjusted by cash payment. Any easement rights granted over sixteenth section land under such authority shall terminate when the easement ceases to be used for its stated purpose. No sixteenth section or lieu land which is subject to an existing lease shall be burdened by any such easement except by consent of the lessee or unless the school district shall acquire the unexpired leasehold interest affected by the easement;

(bb) To charge reasonable fees related to the educational programs of the district, in the manner prescribed in Section 37-7-335;

(cc) Subject to rules and regulations of the State Board of Education, to purchase relocatable classrooms for the use of such school district, in the manner prescribed in Section 37-1-13;

(dd) Enter into contracts or agreements with other school districts, political subdivisions or governmental entities to carry out one or more of the powers or duties of the school board, or to allow more efficient utilization of limited resources for providing services to the public;

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(ee) To provide for in-service training for employees of the district;

(ff) As part of their duties to prescribe the use of textbooks, to provide that parents and legal guardians shall be responsible for the textbooks and for the compensation to the school district for any books which are not returned to the proper schools upon the withdrawal of their dependent child. If a textbook is lost or not returned by any student who drops out of the public school district, the parent or legal guardian shall also compensate the school district for the fair market value of the textbooks;

(gg) To conduct fund-raising activities on behalf of the school district that the local school board, in its discretion, deems appropriate or beneficial to the official or extracurricular programs of the district; provided that:

(i) Any proceeds of the fund-raising activities shall be treated as "activity funds" and shall be accounted for as are other activity funds under this section; and

(ii) Fund-raising activities conducted or authorized by the board for the sale of school pictures, the rental of caps and gowns or the sale of graduation invitations for which the school board receives a commission, rebate or fee shall contain a disclosure statement advising that a portion of the proceeds of the sales or rentals shall be contributed to the student activity fund;

(hh) To allow individual lessons for music, art and other curriculum-related activities for academic credit or nonacademic credit during school hours and using school equipment and facilities, subject to uniform rules and regulations adopted by the school board;

(ii) To charge reasonable fees for participating in an extracurricular activity for academic or nonacademic credit for

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necessary and required equipment such as safety equipment, band instruments and uniforms;

(jj) To conduct or participate in any fund-raising activities on behalf of or in connection with a tax-exempt charitable organization;

(kk) To exercise such powers as may be reasonably necessary to carry out the provisions of this section;

(ll) To expend funds for the services of nonprofit arts organizations or other such nonprofit organizations who provide performances or other services for the students of the school district;

(mm) To expend federal No Child Left Behind Act funds, or any other available funds that are expressly designated and authorized for that use, to pay training, educational expenses, salary incentives and salary supplements to employees of local school districts; except that incentives shall not be considered part of the local supplement as defined in Section 37-151-5(o), nor shall incentives be considered part of the local supplement paid to an individual teacher for the purposes of Section 37-19-7(1). Mississippi Adequate Education Program funds or any other state funds may not be used for salary incentives or salary supplements as provided in this paragraph (mm);

(nn) To use any available funds, not appropriated or designated for any other purpose, for reimbursement to the state-licensed employees from both in state and out of state, who enter into a contract for employment in a school district, for the expense of moving when the employment necessitates the relocation of the licensed employee to a different geographical area than that in which the licensed employee resides before entering into the contract. The reimbursement shall not exceed One Thousand Dollars (\$1,000.00) for the documented actual expenses incurred in the course of relocating, including the expense of any professional moving company or persons employed to assist with the

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move, rented moving vehicles or equipment, mileage in the amount authorized for county and municipal employees under Section 25-3-41 if the licensed employee used his personal vehicle or vehicles for the move, meals and such other expenses associated with the relocation. No licensed employee may be reimbursed for moving expenses under this section on more than one (1) occasion by the same school district. Nothing in this section shall be construed to require the actual residence to which the licensed employee relocates to be within the boundaries of the school district that has executed a contract for employment in order for the licensed employee to be eligible for reimbursement for the moving expenses. However, the licensed employee must relocate within the boundaries of the State of Mississippi. Any individual receiving relocation assistance through the Critical Teacher Shortage Act as provided in Section 37-159-5 shall not be eligible to receive additional relocation funds as authorized in this paragraph;

(oo) To use any available funds, not appropriated or designated for any other purpose, to reimburse persons who interview for employment as a licensed employee with the district for the mileage and other actual expenses incurred in the course of travel to and from the interview at the rate authorized for county and municipal employees under Section 25-3-41;

(pp) Consistent with the report of the Task Force to Conduct a Best Financial Management Practices Review, to improve school district management and use of resources and identify cost savings as established in Section 8 of Chapter 610, Laws of 2002, local school boards are encouraged to conduct independent reviews of the management and efficiency of schools and school districts. Such management and efficiency reviews shall provide state and local officials and the public with the following:

(i) An assessment of a school district's governance and organizational structure;

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(ii) An assessment of the school district's financial and personnel management;

(iii) An assessment of revenue levels and sources;

(iv) An assessment of facilities utilization, planning and maintenance;

(v) An assessment of food services, transportation and safety/security systems;

(vi) An assessment of instructional and administrative technology;

(vii) A review of the instructional management and the efficiency and effectiveness of existing instructional programs; and

(viii) Recommended methods for increasing efficiency and effectiveness in providing educational services to the public;

(qq) To enter into agreements with other local school boards for the establishment of an educational service agency (ESA) to provide for the cooperative needs of the region in which the school district is located, as provided in Section 37-7-345;

(rr) To implement a financial literacy program for students in Grades 10 and 11. The board may review the national programs and obtain free literature from various nationally recognized programs. After review of the different programs, the board may certify a program that is most appropriate for the school districts' needs. If a district implements a financial literacy program, then any student in Grade 10 or 11 may participate in the program. The financial literacy program shall include, but is not limited to, instruction in the same areas of personal business and finance as required under Section 37-1-3(2)(b). The school board may coordinate with volunteer teachers from local community organizations, including, but not limited to, the following: United States Department of Agriculture Rural Development, United States Department of Housing

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and Urban Development, Junior Achievement, bankers and other nonprofit organizations. Nothing in this paragraph shall be construed as to require school boards to implement a financial literacy program;

(ss) To collaborate with the State Board of Education, Community Action Agencies or the Department of Human Services to develop and implement a voluntary program to provide services for a prekindergarten program that addresses the cognitive, social, and emotional needs of four-year-old and three-year-old children. The school board may utilize any source of available revenue to fund the voluntary program;

(tt) With respect to any lawful, written obligation of a school district, including, but not limited to, leases (excluding leases of sixteenth section public school trust land), bonds, notes, or other agreement, to agree in writing with the obligee that the Department of Revenue or any state agency, department or commission created under state law may:

(i) Withhold all or any part (as agreed by the school board) of any monies which such local school board is entitled to receive from time to time under any law and which is in the possession of the Department of Revenue, or any state agency, department or commission created under state law; and

(ii) Pay the same over to any financial institution, trustee or other obligee, as directed in writing by the school board, to satisfy all or part of such obligation of the school district.

The school board may make such written agreement to withhold and transfer funds irrevocable for the term of the written obligation and may include in the written agreement any other terms and provisions acceptable to the school board. If the school board files a copy of such written agreement with the Department of Revenue, or any state agency, department or commission created under state law then the Department of Revenue

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or any state agency, department or commission created under state law shall immediately make the withholdings provided in such agreement from the amounts due the local school board and shall continue to pay the same over to such financial institution, trustee or obligee for the term of the agreement.

This paragraph (tt) shall not grant any extra authority to a school board to issue debt in any amount exceeding statutory limitations on assessed value of taxable property within such school district or the statutory limitations on debt maturities, and shall not grant any extra authority to impose, levy or collect a tax which is not otherwise expressly provided for, and shall not be construed to apply to sixteenth section public school trust land;

(uu) With respect to any matter or transaction that is competitively bid by a school district, to accept from any bidder as a good faith deposit or bid bond or bid surety, the same type of good-faith deposit or bid bond or bid surety that may be accepted by the state or any other political subdivision on similar competitively bid matters or transactions. This paragraph (uu) shall not be construed to apply to sixteenth section public school trust land. The school board may authorize the investment of any school district funds in the same kind and manner of investments, including pooled investments, as any other political subdivision, including community hospitals;

(vv) To utilize the alternate method for the conveyance or exchange of unused school buildings and/or land, reserving a partial or other undivided interest in the property, as specifically authorized and provided in Section 37-7-485, Mississippi Code of 1972;

(ww) To delegate, privatize or otherwise enter into a contract with private entities for the operation of any and all functions of nonacademic school process, procedures and operations including, but not limited to, cafeteria workers, janitorial

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services, transportation, professional development, achievement and instructional consulting services materials and products, purchasing cooperatives, insurance, business manager services, auditing and accounting services, school safety/risk prevention, data processing and student records, and other staff services; however, the authority under this paragraph does not apply to the leasing, management or operation of sixteenth section lands. Local school districts, working through their regional education service agency, are encouraged to enter into buying consortia with other member districts for the purposes of more efficient use of state resources as described in Section 37-7-345;

(xx) To partner with entities, organizations and corporations for the purpose of benefiting the school district;

(yy) To borrow funds from the Rural Economic Development Authority for the maintenance of school buildings; * * *

(zz) To fund and operate voluntary early childhood education programs, defined as programs for children less than five (5) years of age on or before September 1, and to use any source of revenue for such early childhood education programs. Such programs shall not conflict with the Early Learning Collaborative Act of 2007;

(aaa) To issue and provide for the use of procurement cards by school board members, superintendents and licensed school personnel consistent with the rules and regulations of the Mississippi Department of Finance and Administration under Section 31-7-9; and

(bbb) To conduct an annual comprehensive evaluation of the superintendent of schools consistent with the assessment components of paragraph (pp) of this section and the assessment benchmarks established by the Mississippi School Board Association to evaluate the success the superintendent has attained in meeting district goals and objectives, the superintendent's leadership

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skill and whether or not the superintendent has established appropriate standards for performance, is monitoring success and is using data for improvement.

SECTION 3. Section 37-61-33, Mississippi Code of 1972, is amended as follows:

37-61-33. (1) There is created within the State Treasury a special fund to be designated the "Education Enhancement Fund" into which shall be deposited all the revenues collected pursuant to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

(2) Of the amount deposited into the Education Enhancement Fund, Sixteen Million Dollars (\$16,000,000.00) shall be appropriated each fiscal year to the State Department of Education to be distributed to all school districts. Such money shall be distributed to all school districts in the proportion that the average daily attendance of each school district bears to the average daily attendance of all school districts within the state for the following purposes:

(a) Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training buildings, libraries, teachers' homes, school barns, transportation vehicles (which shall include new and used transportation vehicles) and garages for transportation vehicles, and purchasing land therefor.

(b) Establishing and equipping school athletic fields and necessary facilities connected therewith, and purchasing land therefor.

(c) Providing necessary water, light, heating, air-conditioning and sewerage facilities for school buildings, and purchasing land therefor.

(d) As a pledge to pay all or a portion of the debt service on debt issued by the school district under Sections 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351

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through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302 and 37-41-81, or debt issued by boards of supervisors for agricultural high schools pursuant to Section 37-27-65, if such pledge is accomplished pursuant to a written contract or resolution approved and spread upon the minutes of an official meeting of the district's school board or board of supervisors. The annual grant to such district in any subsequent year during the term of the resolution or contract shall not be reduced below an amount equal to the district's grant amount for the year in which the contract or resolution was adopted. The intent of this provision is to allow school districts to irrevocably pledge a certain, constant stream of revenue as security for long-term obligations issued under the code sections enumerated in this paragraph or as otherwise allowed by law. It is the intent of the Legislature that the provisions of this paragraph shall be cumulative and supplemental to any existing funding programs or other authority conferred upon school districts or school boards. Debt of a district secured by a pledge of sales tax revenue pursuant to this paragraph shall not be subject to any debt limitation contained in the foregoing enumerated code sections.

(3) The remainder of the money deposited into the Education Enhancement Fund shall be appropriated as follows:

(a) To the State Department of Education as follows:

(i) Sixteen and sixty-one one-hundredths percent (16.61%) to the cost of the adequate education program determined under Section 37-151-7; of the funds generated by the percentage set forth in this section for the support of the adequate education program, one and one hundred seventy-eight one-thousandths percent (1.178%) of the funds shall be appropriated to be used by the State Department of Education for the purchase of textbooks to be loaned under Sections 37-43-1 through 37-43-59 to approved nonpublic schools, as described in Section 37-43-1. The funds to be distributed to each nonpublic

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school shall be in the proportion that the average daily attendance of each nonpublic school bears to the total average daily attendance of all nonpublic schools;

(ii) Seven and ninety-seven one-hundredths percent (7.97%) to assist the funding of transportation operations and maintenance pursuant to Section 37-19-23; and

(iii) Nine and sixty-one one-hundredths percent (9.61%) for classroom supplies, instructional materials and equipment, including computers and computer software, to be distributed to all school districts in the proportion that the average daily attendance of each school district bears to the average daily attendance of all school districts within the state. Classroom supply funds shall not be expended for administrative purposes. Local school districts shall allocate classroom supply funds equally among all classroom teachers in the school district. For purposes of this subparagraph, "teacher" means any employee of the school board of a school district who is required by law to obtain a teacher's license from the State Department of Education and who is assigned to an instructional area of work as defined by the department, but shall not include a federally funded teacher. Two (2) or more teachers may agree to pool their classroom supply funds for the benefit of a school within the district. It is the intent of the Legislature that all classroom teachers shall be involved in the development of a spending plan that addresses individual classroom needs and supports the overall goals of the school regarding supplies, instructional materials, equipment, computers or computer software under the provisions of this subparagraph, including the type, quantity and quality of such supplies, materials and equipment. This plan shall be submitted in writing to the school principal for approval. Classroom supply funds allocated under this subparagraph shall supplement, not replace, other local and state funds available for the same purposes. School districts need not fully expend the funds

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received under this subparagraph in the year in which they are received, but such funds may be carried forward for expenditure in any succeeding school year. Any individual teacher or group of teachers with an approved spending plan that has not been fully funded need not expend the funds allocated under this subparagraph in the year in which such funds are received. Such funds may be carried forward for expenditure in any subsequent school year in which the plan is fully funded. However, beginning July 1, 2006, any funds allocated under this subparagraph which are not reserved in an approved spending plan but remain unspent on March 31 of the fiscal year in which the funds were allotted must be utilized by the school where the teacher is employed for instructional supply and equipment purposes. The State Board of Education shall develop and promulgate rules and regulations for the administration of this subparagraph consistent with the above criteria, with particular emphasis on allowing the individual teachers to expend funds as they deem appropriate. Effective with the 2012-2013 school year, the local school board may authorize each school to issue procurement cards provided by the Department of Finance and Administration under the provisions of Section 31-7-9(1)(c) for the use of teachers and necessary support personnel in making instructional supply fund expenditures under this section, consistent with the regulations of the Mississippi Department of Finance and Administration pursuant to Section 31-7-9. Such procurement cards shall be issued at the beginning of the school year and shall be issued in equal amounts per teacher determined by the total number of qualifying personnel and the current state appropriation for classroom supplies with the Education Enhancement Fund. Such cards will expire on a pre-determined date at the end of each school year. All unexpended amounts will be carried forward, combined with the following year's allocation of Education Enhancement Fund

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instructional supplies funds and reallocated for the following year;

(b) Twenty-two and nine one-hundredths percent (22.09%) to the Board of Trustees of State Institutions of Higher Learning for the purpose of supporting institutions of higher learning; and

(c) Fourteen and forty-one one-hundredths percent (14.41%) to the State Board for Community and Junior Colleges for the purpose of providing support to community and junior colleges.

(4) The amount remaining in the Education Enhancement Fund after funds are distributed as provided in subsections (2) and (3) of this section shall be disbursed as follows:

(a) Twenty-five Million Dollars (\$25,000,000.00) shall be deposited into the Working Cash-Stabilization Reserve Fund created pursuant to Section 27-103-203(1), until the balance in such fund reaches the maximum balance of seven and one-half percent (7-1/2%) of the General Fund appropriations in the appropriate fiscal year. After the maximum balance in the Working Cash-Stabilization Reserve Fund is reached, such money shall remain in the Education Enhancement Fund to be appropriated in the manner provided for in paragraph (b) of this subsection.

(b) The remainder shall be appropriated for other educational needs.

(5) None of the funds appropriated pursuant to subsection (3)(a) of this section shall be used to reduce the state's General Fund appropriation for the categories listed in an amount below the following amounts:

(a) For subsection (3)(a)(ii) of this section, Thirty-six Million Seven Hundred Thousand Dollars (\$36,700,000.00);

(b) For the aggregate of minimum program allotments in the 1997 fiscal year, formerly provided for in Chapter 19, Title 37, Mississippi Code of 1972, as amended, excluding those funds

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for transportation as provided for in subsection (5) (a) in this section.

SECTION 4. Section 31-7-9, Mississippi Code of 1972, is amended as follows:

31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet Management shall adopt purchasing regulations governing the purchase by any agency of any commodity or commodities and establishing standards and specifications for a commodity or commodities and the maximum fair prices of a commodity or commodities, subject to the approval of the Public Procurement Review Board. It shall have the power to amend, add to or eliminate purchasing regulations. The adoption of, amendment, addition to or elimination of purchasing regulations shall be based upon a determination by the Office of Purchasing, Travel and Fleet Management with the approval of the Public Procurement Review Board, that such action is reasonable and practicable and advantageous to promote efficiency and economy in the purchase of commodities by the agencies of the state. Upon the adoption of any purchasing regulation, or an amendment, addition or elimination therein, copies of same shall be furnished to the State Auditor and to all agencies affected thereby. Thereafter, and except as otherwise may be provided in subsection (2) of this section, no agency of the state shall purchase any commodities covered by existing purchasing regulations unless such commodities be in conformity with the standards and specifications set forth in the purchasing regulations and unless the price thereof does not exceed the maximum fair price established by such purchasing regulations. The said Office of Purchasing, Travel and Fleet Management shall furnish to any county or municipality or other local public agency of the state requesting same, copies of purchasing regulations adopted by the Office of Purchasing, Travel and Fleet Management and any amendments, changes or eliminations of same that may be made from time to time.

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(b) The Office of Purchasing, Travel and Fleet Management may adopt purchasing regulations governing the use of credit cards, procurement cards and purchasing club membership cards to be used by state agencies, governing authorities of counties and municipalities, school districts and the Chickasawhay Natural Gas District. Use of the cards shall be in strict compliance with the regulations promulgated by the office. Any amounts due on the cards shall incur interest charges as set forth in Section 31-7-305 and shall not be considered debt.

(c) Pursuant to the provision of Section 37-61-33(3), the Office of Purchasing, Travel and Fleet Management of the Department of Finance and Administration is authorized to issue procurement cards to all public school district classroom teachers and other necessary direct support personnel at the beginning of the school year for the purchase of instructional supplies using Educational Enhancement Funds. The cards will be issued in equal amounts per teacher determined by the total number of qualifying personnel and the then current state appropriation for classroom instructional supplies under the Education Enhancement Fund. All purchases shall be in accordance with state law and teachers are responsible for verification of capital asset requirements when pooling monies to purchase equipment. The cards will expire on a pre-determined date at the end of each school year. All unexpended amounts will be carried forward, to be combined with the following year's instructional supply fund allocation, and reallocated for the following year. The Department of Finance and Administration is authorized to loan any start-up funds at the beginning of the school year to fund this procurement system for instructional supplies with loan repayment being made from sales tax receipts earmarked for the Education Enhancement Fund.

(2) The Office of Purchasing, Travel and Fleet Management shall adopt, subject to the approval of the Public Procurement Review Board, purchasing regulations governing the purchase of

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unmarked vehicles to be used by the Bureau of Narcotics and Department of Public Safety in official investigations pursuant to Section 25-1-87. Such regulations shall ensure that purchases of such vehicles shall be at a fair price and shall take into consideration the peculiar needs of the Bureau of Narcotics and Department of Public Safety in undercover operations.

(3) The Office of Purchasing, Travel and Fleet Management shall adopt, subject to the approval of the Public Procurement Review Board, regulations governing the certification process for certified purchasing offices. Such regulations shall require entities desiring to be classified as certified purchasing offices to submit applications and applicable documents on an annual basis, at which time the Office of Purchasing, Travel and Fleet Management may provide the governing entity with a certification valid for one (1) year from the date of issuance.

SECTION 5. Section 37-151-103, Mississippi Code of 1972, is amended as follows:

37-151-103. (1) Funds due each school district under the terms of this chapter from the Adequate Education Program Fund shall be paid in the following manner: On the two (2) days prior to the last day of each month, or the next business date after that date, there shall be paid to each school district by electronic funds transfer one-twelfth (1/12) of the funds to which the district is entitled from funds appropriated for the Adequate Education Program Fund. However, in December those payments shall be made on December 15th or the next business day after that date. All school districts shall process a single monthly payroll with electronic settlement of payroll checks secured through direct deposit of net pay for all school district employees. In addition, the State Department of Education may pay school districts from the common school fund and the Adequate Education Program Fund on a date earlier than provided for by this section

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if it is determined that it is in the best interest of school districts to do so.

Provided, however, that if the cash balance in the State General Fund is not adequate on the due date to pay the amounts due to all school districts in the state as determined by the State Superintendent of Education, the State Fiscal Officer shall not transfer said funds payable to any school district or districts until money is available to pay the amount due to all districts.

(2) Notwithstanding any provision of this chapter or any other law requiring the number of children in average daily attendance or the average daily attendance of transported children to be determined on the basis of the preceding year, the State Board of Education is hereby authorized and empowered to make proper adjustments in allotments in cases where major changes in the number of children in average daily attendance or the average daily attendance of transported children occurs from one year to another as a result of changes or alterations in the boundaries of school districts, the sending of children from one county or district to another upon a contract basis, the termination or discontinuance of a contract for the sending of children from one county or district to another, a change in or relocation of attendance centers, or for any other reason which would result in a major decrease or increase in the number of children in average daily attendance or the average daily attendance of transported children during the current school year as compared with the preceding year.

(3) In the event of an inordinately large number of absentees in any school district as a result of epidemic, natural disaster, or any concerted activity discouraging school attendance, then in such event school attendance for the purposes of determining average daily attendance under the adequate

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education program shall be based upon the average daily attendance for the preceding school year for such school district.

SECTION 6. Section 37-9-39, Mississippi Code of 1972, is amended as follows:

37-9-39. Salary or wages paid to any employee of any school shall be paid on a basis as determined by the local school board of each school district consistent with the provisions of Section 37-157-103(1), except for December, when salaries or wages shall be paid on December 15 or the next business day after that date. Salaries or wages shall be paid at a minimum on a monthly basis. Any school employee whose employment ends during a school term, regardless of the reason(s) the employment ended, shall be paid salary or wages only for that portion of the school term that employee actually worked. Nothing in this section shall be construed to entitle any employee to payment of salary or wages when no work has been performed.

SECTION 7. Section 37-7-307, Mississippi Code of 1972, is amended as follows:

37-7-307. (1) For purposes of this section, the term "licensed employee" means any employee of a public school district required to hold a valid license by the Commission on Teacher and Administrator Education, Certification and Licensure and Development.

(2) The school board of a school district shall establish by rules and regulations a policy of sick leave with pay for licensed employees and teacher assistants employed in the school district, and such policy shall include the following minimum provisions for sick and emergency leave with pay:

(a) Each licensed employee and teacher assistant, at the beginning of each school year, shall be credited with a minimum sick leave allowance, with pay, of seven (7) days for absences caused by illness or physical disability of the employee during that school year.

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(b) Any unused portion of the total sick leave allowance shall be carried over to the next school year and credited to such licensed employee and teacher assistant if the licensed employee or teacher assistant remains employed in the same school district. In the event any public school licensed employee or teacher assistant transfers from one public school district in Mississippi to another, any unused portion of the total sick leave allowance credited to such licensed employee or teacher assistant shall be credited to such licensed employee or teacher assistant in the computation of unused leave for retirement purposes under Section 25-11-109. Accumulation of sick leave allowed under this section shall be unlimited.

(c) No deduction from the pay of such licensed employee or teacher assistant may be made because of absence of such licensed employee or teacher assistant caused by illness or physical disability of the licensed employee or teacher assistant until after all sick leave allowance credited to such licensed employee or teacher assistant has been used.

(d) For the first ten (10) days of absence of a licensed employee because of illness or physical disability, in any school year, in excess of the sick leave allowance credited to such licensed employee, there shall be deducted from the pay of such licensed employee the established substitute amount of licensed employee compensation paid in that local school district, necessitated because of the absence of the licensed employee as a result of illness or physical disability. In lieu of deducting the established substitute amount from the pay of such licensed employee, the policy may allow the licensed employee to receive full pay for the first ten (10) days of absence because of illness or physical disability, in any school year, in excess of the sick leave allowance credited to such licensed employee. Thereafter, the regular pay of such absent licensed employee shall be

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suspended and withheld in its entirety for any period of absence because of illness or physical disability during that school year.

(3) Beginning with the school year 1983-1984, each licensed employee at the beginning of each school year shall be credited with a minimum personal leave allowance, with pay, of two (2) days for absences caused by personal reasons during that school year. Effective for the 2010-2011 and 2011-2012 school years, licensed employees shall be credited with an additional one-half (1/2) day of personal leave for every day the licensed employee is furloughed without pay as provided in Section 37-7-308. Such personal leave shall not be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday, unless on such days an immediate family member of the employee is being deployed for military service. Personal leave may be used for professional purposes, including absences caused by attendance of such licensed employee at a seminar, class, training program, professional association or other functions designed for educators. No deduction from the pay of such licensed employee may be made because of absence of such licensed employee caused by personal reasons until after all personal leave allowance credited to such licensed employee has been used. However, the superintendent of a school district, in his discretion, may allow a licensed employee personal leave in addition to any minimum personal leave allowance, under the condition that there shall be deducted from the salary of such licensed employee the actual amount of any compensation paid to any person as a substitute, necessitated because of the absence of the licensed employee. Any unused portion of the total personal leave allowance up to five (5) days shall be carried over to the next school year and credited to such licensed employee if the licensed employee remains employed in the same school district. Any personal leave allowed for a furlough day shall not be carried over to the next school year.

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(4) Beginning with the school year 1992-1993, each licensed employee shall be credited with a professional leave allowance, with pay, for each day of absence caused by reason of such employee's statutorily required membership and attendance at a regular or special meeting held within the State of Mississippi of the State Board of Education, the Commission on Teacher and Administrator Education, Certification and Licensure and Development, the Commission on School Accreditation, the Mississippi Authority for Educational Television, the meetings of the state textbook rating committees or other meetings authorized by local school board policy.

(5) Upon retirement from employment, each licensed and nonlicensed employee shall be paid for not more than thirty (30) days of unused accumulated leave earned while employed by the school district in which the employee is last employed. Such payment for licensed employees shall be made by the school district at a rate equal to the amount paid to substitute teachers and for nonlicensed employees, the payment shall be made by the school district at a rate equal to the federal minimum wage. The payment shall be treated in the same manner for retirement purposes as a lump-sum payment for personal leave as provided in Section 25-11-103(e). Any remaining lawfully credited unused leave, for which payment has not been made, shall be certified to the Public Employees' Retirement System in the same manner and subject to the same limitations as otherwise provided by law for unused leave. No payment for unused accumulated leave may be made to either a licensed or nonlicensed employee at termination or separation from service for any purpose other than for the purpose of retirement.

(6) The school board may adopt rules and regulations which will reasonably aid to implement the policy of sick and personal leave, including, but not limited to, rules and regulations having the following general effect:

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(a) Requiring the absent employee to furnish the certificate of a physician or dentist or other medical practitioner as to the illness of the absent licensed employee, where the absence is for four (4) or more consecutive school days, or for two (2) consecutive school days immediately preceding or following a nonschool day;

(b) Providing penalties, by way of full deduction from salary, or entry on the work record of the employee, or other appropriate penalties, for any materially false statement by the employee as to the cause of absence;

(c) Forfeiture of accumulated or future sick leave, if the absence of the employee is caused by optional dental or medical treatment or surgery which could, without medical risk, have been provided, furnished or performed at a time when school was not in session;

(d) Enlarging, increasing or providing greater sick or personal leave allowances than the minimum standards established by this section in the discretion of the school board of each school district.

(7) School boards may include in their budgets provisions for the payment of substitute employees, necessitated because of the absence of regular licensed employees. All such substitute employees shall be paid wholly from district funds, except as otherwise provided for long-term substitute teachers in Section 37-19-20. Such school boards, in their discretion, also may pay, from district funds other than adequate education program funds, the whole or any part of the salaries of all employees granted leaves for the purpose of special studies or training.

(8) The school board may further adopt rules and regulations which will reasonably implement such leave policies for all other nonlicensed and hourly paid school employees as the board deems appropriate. Effective for the 2010-2011 and 2011-2012 school years, nonlicensed employees shall be credited with an additional

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one-half (1/2) day of personal leave for every day the nonlicensed employee is furloughed without pay as provided in Section 37-7-308.

(9) Vacation leave granted to either licensed or nonlicensed employees shall be synonymous with personal leave. Unused vacation or personal leave accumulated by licensed employees in excess of the maximum five (5) days which may be carried over from one year to the next may be converted to sick leave. The annual conversion of unused vacation or personal leave to sick days for licensed or unlicensed employees shall not exceed the allowable number of personal leave days as provided in Section 25-3-93. The annual total number of converted unused vacation and/or personal days added to the annual unused sick days for any employee shall not exceed the combined allowable number of days per year provided in Sections 25-3-93 and 25-3-95. Local school board policies that provide for vacation, personal and sick leave for employees shall not exceed the provisions for leave as provided in Sections 25-3-93 and 25-3-95. Any personal or vacation leave previously converted to sick leave under a lawfully adopted policy before May 1, 2004, or such personal or vacation leave accumulated and available for use prior to May 1, 2004, under a lawfully adopted policy but converted to sick leave after May 1, 2004, shall be recognized as accrued leave by the local school district and available for use by the employee. The leave converted under a lawfully adopted policy prior to May 1, 2004, or such personal and vacation leave accumulated and available for use as of May 1, 2004, which was subsequently converted to sick leave may be certified to the Public Employees' Retirement System upon termination of employment and any such leave previously converted and certified to the Public Employees' Retirement System shall be recognized.

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(10) (a) For the purposes of this subsection, the following words and phrases shall have the meaning ascribed in this paragraph unless the context requires otherwise:

(i) "Catastrophic injury or illness" means a life-threatening injury or illness of an employee or a member of an employee's immediate family that totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation from the local school district for the employee. Conditions that are short-term in nature, including, but not limited to, common illnesses such as influenza and the measles, and common injuries, are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, that result in intermittent absences from work and that are long-term in nature and require long recuperation periods may be considered catastrophic.

(ii) "Immediate family" means spouse, parent, stepparent, sibling, child or stepchild.

(b) Any school district employee may donate a portion of his or her unused accumulated personal leave or sick leave to another employee of the same * * * school district who is suffering from a catastrophic injury or illness or who has a member of his or her immediate family suffering from a catastrophic injury or illness, in accordance with the following:

(i) The employee donating the leave (the "donor employee") shall designate the employee who is to receive the leave (the "recipient employee") and the amount of unused accumulated personal leave and sick leave that is to be donated, and shall notify the school district superintendent or his designee of his or her designation.

(ii) The maximum amount of unused accumulated personal leave that an employee may donate to any other employee may not exceed a number of days that would leave the donor

employee with fewer than seven (7) days of personal leave remaining, and the maximum amount of unused accumulated sick leave that an employee may donate to any other employee may not exceed fifty percent (50%) of the unused accumulated sick leave of the donor employee.

(iii) An employee must have exhausted all of his or her available leave before he or she will be eligible to receive any leave donated by another employee. Eligibility for donated leave shall be based upon review and approval by the donor employee's supervisor.

(iv) Before an employee may receive donated leave, he or she must provide the school district superintendent or his designee with a physician's statement that states that the illness meets the catastrophic criteria established under this section, the beginning date of the catastrophic injury or illness, a description of the injury or illness, and a prognosis for recovery and the anticipated date that the recipient employee will be able to return to work.

(v) Before an employee may receive donated leave, the superintendent of education of the school district shall appoint a review committee to approve or disapprove the said donations of leave, including the determination that the illness is catastrophic with the meaning of this section.

(vi) If the total amount of leave that is donated to any employee is not used by the recipient employee, the whole days of donated leave shall be returned to the donor employees on a pro rata basis, based on the ratio of the number of days of leave donated by each donor employee to the total number of days of leave donated by all donor employees.

(vii) Donated leave shall not be used in lieu of disability retirement.

SECTION 8. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

Senate Bill 2776

Description: School and district accreditation rating terminology; direct State Dept. of Education to change to "A," "B," "C," "D" and "F".

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 563

History of Actions:

- 1 02/20 (S) Referred To Education
- 2 03/01 (S) Title Suff Do Pass Comm Sub
- 3 03/13 (S) Committee Substitute Adopted
- 4 03/13 (S) Amended
- 5 03/13 (S) Passed As Amended
- 6 03/15 (S) Transmitted To House
- 7 03/19 (H) Referred To Education
- 8 03/29 (H) Title Suff Do Pass As Amended
- 9 04/10 (H) Amended
- 10 04/10 (H) Passed As Amended
- 11 04/11 (H) Returned For Concurrence
- 12 04/18 (S) Decline to Concur/Invite Conf
- 13 04/24 (S) Conferees Named Tollison, Collins, Polk
- 14 04/25 (H) Conferees Named Moore, Holloway, McGee
- 15 04/27 (H) Conference Report Filed
- 16 04/27 (S) Conference Report Filed
- 17 04/30 (H) Conference Report Adopted
- 18 05/01 (S) Conference Report Adopted
- 19 05/07 (S) Enrolled Bill Signed
- 20 05/08 (H) Enrolled Bill Signed
- 21 05/23 Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub) *Adopted*

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2776

Conference Reports:

Conference Report

Code Section: A 037-0017-0006

----- Additional Information -----

Senate Committee: Education

House Committee: Education

Principal Author: Collins

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Collins

To: Education

SENATE BILL NO. 2776
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT THE STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION TO CHANGE THE PERFORMANCE LEVEL TERMINOLOGY FOR SCHOOLS AND SCHOOL DISTRICTS TO "A", "B", "C", "D" AND "F" BASED ON ESTABLISHED BENCHMARKS OF STUDENT ACHIEVEMENT AND GROWTH; TO PROVIDE THAT SUCH NEW TERMINOLOGY FOR ACCREDITATION RATING PURPOSES SHALL BE EFFECTIVE UPON FULL IMPLEMENTATION OF COMMON CORE STATE STANDARDS AND ASSESSMENTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-17-6, Mississippi Code of 1972, is amended as follows:

37-17-6. (1) The State Board of Education, acting through the Commission on School Accreditation, shall establish and implement a permanent performance-based accreditation system, and all public elementary and secondary schools shall be accredited under this system.

(2) No later than June 30, 1995, the State Board of Education, acting through the Commission on School Accreditation, shall require school districts to provide school classroom space that is air-conditioned as a minimum requirement for accreditation.

(3) (a) Beginning with the 1994-1995 school year, the State Board of Education, acting through the Commission on School Accreditation, shall require that school districts employ certified school librarians according to the following formula:

Number of Students	Number of Certified
Per School Library	School Librarians
0 - 499 Students	1/2 Full-time Equivalent
	Certified Librarian

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500 or More Students

1 Full-time Certified

Librarian

(b) The State Board of Education, however, may increase the number of positions beyond the above requirements.

(c) The assignment of certified school librarians to the particular schools shall be at the discretion of the local school district. No individual shall be employed as a certified school librarian without appropriate training and certification as a school librarian by the State Department of Education.

(d) School librarians in the district shall spend at least fifty percent (50%) of direct work time in a school library and shall devote no more than one-fourth (1/4) of the workday to administrative activities that are library related.

(e) Nothing in this subsection shall prohibit any school district from employing more certified school librarians than are provided for in this section.

(f) Any additional millage levied to fund school librarians required for accreditation under this subsection shall be included in the tax increase limitation set forth in Sections 37-57-105 and 37-57-107 and shall not be deemed a new program for purposes of the limitation.

(4) On or before December 31, 2002, the State Board of Education shall implement the performance-based accreditation system for school districts and for individual schools which shall include the following:

(a) High expectations for students and high standards for all schools, with a focus on the basic curriculum;

(b) Strong accountability for results with appropriate local flexibility for local implementation;

(c) A process to implement accountability at both the school district level and the school level;

(d) Individual schools shall be held accountable for student growth and performance;

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(e) Set annual performance standards for each of the schools of the state and measure the performance of each school against itself through the standard that has been set for it;

(f) A determination of which schools exceed their standards and a plan for providing recognition and rewards to those schools;

(g) A determination of which schools are failing to meet their standards and a determination of the appropriate role of the State Board of Education and the State Department of Education in providing assistance and initiating possible intervention. A failing district is a district that fails to meet both the absolute student achievement standards and the rate of annual growth expectation standards as set by the State Board of Education for two (2) consecutive years. The State Board of Education shall establish the level of benchmarks by which absolute student achievement and growth expectations shall be assessed. In setting the benchmarks for school districts, the State Board of Education may also take into account such factors as graduation rates, dropout rates, completion rates, the extent to which the school or district employs qualified teachers in every classroom, and any other factors deemed appropriate by the State Board of Education. The State Board of Education, acting through the State Department of Education, shall apply a simple "A," "B," "C," "D" and "F" designation to the current school and school district statewide accountability performance classification labels beginning with the State Accountability Results for the 2011-2012 school year and following, and in the school, district and state report cards required under state and federal law. Under the new designations, a school or school district that has earned a "Star" rating shall be designated an "A" school or school district; a school or school district that has earned a "High-Performing" rating shall be designated a "B" school or school district; a school or school district that has

earned a "Successful" rating shall be designated a "C" school or school district; a school or school district that has earned an "Academic Watch" rating shall be designated a "D" school or school district; a school or school district that has earned a "Low-Performing," "At-Risk of Failing" or "Failing" rating shall be designated an "F" school or school district. Effective with the implementation of any new curriculum and assessment standards, the State Board of Education, acting through the State Department of Education, is further authorized and directed to change the school and school district accreditation rating system to a simple "A," "B," "C," "D," and "F" designation based on a combination of student achievement scores and student growth as measured by the statewide testing programs developed by the State Board of Education pursuant to Chapter 16, Title 37, Mississippi Code of 1972. In any statute or regulation containing the former accreditation designations, the new designations shall be applicable;

(h) Development of a comprehensive student assessment system to implement these requirements; and

(i) The State Board of Education may, based on a written request that contains specific reasons for requesting a waiver from the school districts affected by Hurricane Katrina of 2005, hold harmless school districts from assignment of district and school level accountability ratings for the 2005-2006 school year. The State Board of Education upon finding an extreme hardship in the school district may grant the request. It is the intent of the Legislature that all school districts maintain the highest possible academic standards and instructional programs in all schools as required by law and the State Board of Education.

The State Board of Education may continue to assign school district performance levels by using a number classification and may assign individual school performance levels by using a number

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classification to be consistent with school district performance levels.

(5) Nothing in this section shall be deemed to require a nonpublic school that receives no local, state or federal funds for support to become accredited by the State Board of Education.

(6) The State Board of Education shall create an accreditation audit unit under the Commission on School Accreditation to determine whether schools are complying with accreditation standards.

(7) The State Board of Education shall be specifically authorized and empowered to withhold adequate education program fund allocations, whichever is applicable, to any public school district for failure to timely report student, school personnel and fiscal data necessary to meet state and/or federal requirements.

(8) Deleted.

(9) The State Board of Education shall establish, for those school districts failing to meet accreditation standards, a program of development to be complied with in order to receive state funds, except as otherwise provided in subsection (14) of this section when the Governor has declared a state of emergency in a school district or as otherwise provided in Section 206, Mississippi Constitution of 1890. The state board, in establishing these standards, shall provide for notice to schools and sufficient time and aid to enable schools to attempt to meet these standards, unless procedures under subsection (14) of this section have been invoked.

(10) Beginning July 1, 1998, the State Board of Education shall be charged with the implementation of the program of development in each applicable school district as follows:

(a) Develop an impairment report for each district failing to meet accreditation standards in conjunction with school district officials;

(b) Notify any applicable school district failing to meet accreditation standards that it is on probation until corrective actions are taken or until the deficiencies have been removed. The local school district shall develop a corrective action plan to improve its deficiencies. For district academic deficiencies, the corrective action plan for each such school district shall be based upon a complete analysis of the following: student test data, student grades, student attendance reports, student dropout data, existence and other relevant data. The corrective action plan shall describe the specific measures to be taken by the particular school district and school to improve: (i) instruction; (ii) curriculum; (iii) professional development; (iv) personnel and classroom organization; (v) student incentives for performance; (vi) process deficiencies; and (vii) reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible for implementing each component of the recommendation and how each will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision of the State Board of Education establishing the probationary period of time shall be final;

(c) Offer, during the probationary period, technical assistance to the school district in making corrective actions. Beginning July 1, 1998, subject to the availability of funds, the State Department of Education shall provide technical and/or financial assistance to all such school districts in order to implement each measure identified in that district's corrective action plan through professional development and on-site assistance. Each such school district shall apply for and utilize all available federal funding in order to support its corrective action plan in addition to state funds made available under this paragraph;

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(d) Assign department personnel or contract, in its discretion, with the institutions of higher learning or other appropriate private entities with experience in the academic, finance and other operational functions of schools to assist school districts;

(e) Provide for publication of public notice at least one time during the probationary period, in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The publication shall include the following: declaration of school system's status as being on probation; all details relating to the impairment report; and other information as the State Board of Education deems appropriate. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

(11) (a) If the recommendations for corrective action are not taken by the local school district or if the deficiencies are not removed by the end of the probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected school district to present evidence or other reasons why its accreditation should not be withdrawn. After its consideration of the results of the hearing, the Commission on School Accreditation shall be authorized, with the approval of the State Board of Education, to withdraw the accreditation of a public school district, and issue a request to the Governor that a state of emergency be declared in that district.

(b) If the State Board of Education and the Commission on School Accreditation determine that an extreme emergency situation exists in a school district that jeopardizes the safety, security or educational interests of the children enrolled in the schools in that district and that emergency situation is believed to be related to a serious violation or violations of

accreditation standards or state or federal law, or when a school district meets the State Board of Education's definition of a failing school district for two (2) consecutive full school years, or if more than fifty percent (50%) of the schools within the school district are designated as Schools At-Risk in any one (1) year, the State Board of Education may request the Governor to declare a state of emergency in that school district. For purposes of this paragraph, the declarations of a state of emergency shall not be limited to those instances when a school district's impairments are related to a lack of financial resources, but also shall include serious failure to meet minimum academic standards, as evidenced by a continued pattern of poor student performance.

(c) Whenever the Governor declares a state of emergency in a school district in response to a request made under paragraph (a) or (b) of this subsection, the State Board of Education may take one or more of the following actions:

(i) Declare a state of emergency, under which some or all of state funds can be escrowed except as otherwise provided in Section 206, Constitution of 1890, until the board determines corrective actions are being taken or the deficiencies have been removed, or that the needs of students warrant the release of funds. The funds may be released from escrow for any program which the board determines to have been restored to standard even though the state of emergency may not as yet be terminated for the district as a whole;

(ii) Override any decision of the local school board or superintendent of education, or both, concerning the management and operation of the school district, or initiate and make decisions concerning the management and operation of the school district;

(iii) Assign an interim conservator, or in its discretion, contract with a private entity with experience in the

academic, finance and other operational functions of schools and school districts, who will have those powers and duties prescribed in subsection (14) of this section;

(iv) Grant transfers to students who attend this school district so that they may attend other accredited schools or districts in a manner that is not in violation of state or federal law;

(v) For states of emergency declared under paragraph (a) only, if the accreditation deficiencies are related to the fact that the school district is too small, with too few resources, to meet the required standards and if another school district is willing to accept those students, abolish that district and assign that territory to another school district or districts. If the school district has proposed a voluntary consolidation with another school district or districts, then if the State Board of Education finds that it is in the best interest of the pupils of the district for the consolidation to proceed, the voluntary consolidation shall have priority over any such assignment of territory by the State Board of Education;

(vi) For states of emergency declared under paragraph (b) only, reduce local supplements paid to school district employees, including, but not limited to, instructional personnel, assistant teachers and extracurricular activities personnel, if the district's impairment is related to a lack of financial resources, but only to an extent that will result in the salaries being comparable to districts similarly situated, as determined by the State Board of Education;

(vii) For states of emergency declared under paragraph (b) only, the State Board of Education may take any action as prescribed in Section 37-17-13.

(d) At the time that satisfactory corrective action has been taken in a school district in which a state of emergency has been declared, the State Board of Education may request the

Governor to declare that the state of emergency no longer exists in the district.

(e) There is established a Mississippi Recovery School District within the State Department of Education under the supervision of a deputy superintendent appointed by the State Superintendent of Public Education, who is subject to the approval by the State Board of Education. The Mississippi Recovery School District shall provide leadership and oversight of all school districts that are subject to state conservatorship, as defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall have all the authority granted under these two (2) chapters. The Mississippi Department of Education, with the approval of the State Board of Education, shall develop policies for the operation and management of the Mississippi Recovery School District. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall be authorized to oversee the administration of the Mississippi Recovery School District, oversee conservators assigned by the State Board of Education to a local school district, hear appeals from school districts under conservatorship that would normally be filed by students, parents or employees and heard by a local school board, which hearings on appeal shall be conducted in a prompt and timely manner in the school district from which the appeal originated in order to ensure the ability of appellants, other parties and witnesses to appeal without undue burden of travel costs or loss of time from work, and perform other related duties as assigned by the State Superintendent of Public Education. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall determine, based on rigorous professional qualifications set by the State Board of Education, the appropriate individuals to be engaged to be conservators and financial advisors, if applicable, of all school districts subject to state conservatorship. After State Board of Education

approval, these individuals shall be deemed independent contractors.

(12) Upon the declaration of a state of emergency in a school district under subsection (11) of this section, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of the notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If a conservator has been appointed for the school district, the notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed conservator (name of conservator)."

The notice also shall include, in the discretion of the State Board of Education, any or all details relating to the school district's emergency status, including the declaration of a state of emergency in the school district and a description of the district's impairment deficiencies, conditions of any conservatorship and corrective actions recommended and being taken. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

Upon termination of the state of emergency in a school district, the Commission on School Accreditation shall cause notice to be published in the school district in the same manner provided in this section, to include any or all details relating

to the corrective action taken in the school district that resulted in the termination of the state of emergency.

(13) The State Board of Education or the Commission on School Accreditation shall have the authority to require school districts to produce the necessary reports, correspondence, financial statements, and any other documents and information necessary to fulfill the requirements of this section.

Nothing in this section shall be construed to grant any individual, corporation, board or conservator the authority to levy taxes except in accordance with presently existing statutory provisions.

(14) (a) Whenever the Governor declares a state of emergency in a school district in response to a request made under subsection (11) of this section, the State Board of Education, in its discretion, may assign an interim conservator to the school district, or in its discretion, may contract with an appropriate private entity with experience in the academic, finance and other operational functions of schools and school districts, who will be responsible for the administration, management and operation of the school district, including, but not limited to, the following activities:

(i) Approving or disapproving all financial obligations of the district, including, but not limited to, the employment, termination, nonrenewal and reassignment of all licensed and nonlicensed personnel, contractual agreements and purchase orders, and approving or disapproving all claim dockets and the issuance of checks; in approving or disapproving employment contracts of superintendents, assistant superintendents or principals, the interim conservator shall not be required to comply with the time limitations prescribed in Sections 37-9-15 and 37-9-105;

(ii) Supervising the day-to-day activities of the district's staff, including reassigning the duties and

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responsibilities of personnel in a manner which, in the determination of the conservator, will best suit the needs of the district;

(iii) Reviewing the district's total financial obligations and operations and making recommendations to the district for cost savings, including, but not limited to, reassigning the duties and responsibilities of staff;

(iv) Attending all meetings of the district's school board and administrative staff;

(v) Approving or disapproving all athletic, band and other extracurricular activities and any matters related to those activities;

(vi) Maintaining a detailed account of recommendations made to the district and actions taken in response to those recommendations;

(vii) Reporting periodically to the State Board of Education on the progress or lack of progress being made in the district to improve the district's impairments during the state of emergency; and

(viii) Appointing a parent advisory committee, comprised of parents of students in the school district that may make recommendations to the conservator concerning the administration, management and operation of the school district.

Except when, in the determination of the State Board of Education, the school district's impairment is related to a lack of financial resources, the cost of the salary of the conservator and any other actual and necessary costs related to the conservatorship paid by the State Department of Education shall be reimbursed by the local school district from funds other than adequate education program funds. The department shall submit an itemized statement to the superintendent of the local school district for reimbursement purposes, and any unpaid balance may be withheld from the district's adequate education program funds.

At the time that the Governor, in accordance with the request of the State Board of Education, declares that the state of emergency no longer exists in a school district, the powers and responsibilities of the interim conservator assigned to the district shall cease.

(b) In order to provide loans to school districts under a state of emergency that have impairments related to a lack of financial resources, the School District Emergency Assistance Fund is created as a special fund in the State Treasury into which monies may be transferred or appropriated by the Legislature from any available public education funds.

The State Board of Education may loan monies from the School District Emergency Assistance Fund to a school district that is under a state of emergency in those amounts, as determined by the board, that are necessary to correct the district's impairments related to a lack of financial resources. The loans shall be evidenced by an agreement between the school district and the State Board of Education and shall be repayable in principal, without necessity of interest, to the State General Fund or the Education Enhancement Fund, depending on the source of funding for the loan, by the school district from any allowable funds that are available. The total amount loaned to the district shall be due and payable within five (5) years after the impairments related to a lack of financial resources are corrected. If a school district fails to make payments on the loan in accordance with the terms of the agreement between the district and the State Board of Education, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may withhold that district's adequate education program funds in an amount and manner that will effectuate repayment consistent with the terms of the agreement; the funds withheld by the department shall be deposited into the State General Fund or the Education Enhancement Fund, as the case may be.

The State Board of Education shall develop a protocol that will outline the performance standards and requisite time line deemed necessary for extreme emergency measures. If the State Board of Education determines that an extreme emergency exists, simultaneous with the powers exercised in this subsection, it shall take immediate action against all parties responsible for the affected school districts having been determined to be in an extreme emergency. The action shall include, but not be limited to, initiating civil actions to recover funds and criminal actions to account for criminal activity. Any funds recovered by the State Auditor or the State Board of Education from the surety bonds of school officials or from any civil action brought under this subsection shall be applied toward the repayment of any loan made to a school district hereunder.

(15) If a majority of the membership of the school board of any school district resigns from office, the State Board of Education shall be authorized to assign an interim conservator, who shall be responsible for the administration, management and operation of the school district until the time as new board members are selected or the Governor declares a state of emergency in that school district under subsection (11), whichever occurs first. In that case, the State Board of Education, acting through the interim conservator, shall have all powers which were held by the previously existing school board, and may take any action as prescribed in Section 37-17-13 and/or one or more of the actions authorized in this section.

(16) (a) If the Governor declares a state of emergency in a school district, the State Board of Education may take all such action pertaining to that school district as is authorized under subsection (11) or (14) of Section 37-17-6, including the appointment of an interim conservator. The State Board of Education shall also have the authority to issue a written request with documentation to the Governor asking that the office of the

superintendent of the school district be subject to recall. If the Governor declares that the office of the superintendent of the school district is subject to recall, the local school board or the county election commission, as the case may be, shall take the following action:

(i) If the office of superintendent is an elected office, in those years in which there is no general election, the name shall be submitted by the State Board of Education to the county election commission, and the county election commission shall submit the question at a special election to the voters eligible to vote for the office of superintendent within the county, and the special election shall be held within sixty (60) days from notification by the State Board of Education. The ballot shall read substantially as follows:

"Shall County Superintendent of Education _____ (here the name of the superintendent shall be inserted) of the _____ (here the title of the school district shall be inserted) be retained in office? Yes _____ No _____"

If a majority of those voting on the question votes against retaining the superintendent in office, a vacancy shall exist which shall be filled in the manner provided by law; otherwise, the superintendent shall remain in office for the term of that office, and at the expiration of the term shall be eligible for qualification and election to another term or terms.

(ii) If the office of superintendent is an appointive office, the name of the superintendent shall be submitted by the president of the local school board at the next regular meeting of the school board for retention in office or dismissal from office. If a majority of the school board voting on the question vote against retaining the superintendent in office, a vacancy shall exist which shall be filled as provided by law, otherwise the superintendent shall remain in office for the duration of his employment contract.

(b) The State Board of Education may issue a written request with documentation to the Governor asking that the membership of the school board of the school district shall be subject to recall. Whenever the Governor declares that the membership of the school board is subject to recall, the county election commission or the local governing authorities, as the case may be, shall take the following action:

(i) If the members of the local school board are elected to office, in those years in which the specific member's office is not up for election, the name of the school board member shall be submitted by the State Board of Education to the county election commission, and the county election commission at a special election shall submit the question to the voters eligible to vote for the particular member's office within the county or school district, as the case may be, and the special election shall be held within sixty (60) days from notification by the State Board of Education. The ballot shall read substantially as follows:

"Members of the _____ (here the title of the school district shall be inserted) School Board who are not up for election this year are subject to recall because of the school district's failure to meet critical accountability standards as defined in the letter of notification to the Governor from the State Board of Education. Shall the member of the school board representing this area, _____ (here the name of the school board member holding the office shall be inserted), be retained in office? Yes _____ No _____"

If a majority of those voting on the question vote against retaining the member of the school board in office, a vacancy in that board member's office shall exist, which shall be filled in the manner provided by law; otherwise, the school board member shall remain in office for the term of that office, and at the expiration of the term of office, the member shall be eligible for

qualification and election to another term or terms of office. However, if a majority of the school board members are recalled in the special election, the Governor shall authorize the board of supervisors of the county in which the school district is situated to appoint members to fill the offices of the members recalled. The board of supervisors shall make those appointments in the manner provided by law for filling vacancies on the school board, and the appointed members shall serve until the office is filled at the next regular special election or general election.

(ii) If the local school board is an appointed school board, the name of all school board members shall be submitted as a collective board by the president of the municipal or county governing authority, as the case may be, at the next regular meeting of the governing authority for retention in office or dismissal from office. If a majority of the governing authority voting on the question vote against retaining the board in office, a vacancy shall exist in each school board member's office, which shall be filled as provided by law; otherwise, the members of the appointed school board shall remain in office for the duration of their term of appointment, and those members may be reappointed.

(iii) If the local school board is comprised of both elected and appointed members, the elected members shall be subject to recall in the manner provided in subparagraph (i) of this subsection, and the appointed members shall be subject to recall in the manner provided in subparagraph (ii).

(17) Beginning with the school district audits conducted for the 1997-1998 fiscal year, the State Board of Education, acting through the Commission on School Accreditation, shall require each school district to comply with standards established by the State Department of Audit for the verification of fixed assets and the auditing of fixed assets records as a minimum requirement for accreditation.

(18) Before December 1, 1999, the State Board of Education shall recommend a program to the Education Committees of the House of Representatives and the Senate for identifying and rewarding public schools that improve or are high performing. The program shall be described by the board in a written report, which shall include criteria and a process through which improving schools and high-performing schools will be identified and rewarded.

The State Superintendent of Public Education and the State Board of Education also shall develop a comprehensive accountability plan to ensure that local school boards, superintendents, principals and teachers are held accountable for student achievement. A written report on the accountability plan shall be submitted to the Education Committees of both houses of the Legislature before December 1, 1999, with any necessary legislative recommendations.

(19) Before January 1, 2008, the State Board of Education shall evaluate and submit a recommendation to the Education Committees of the House of Representatives and the Senate on inclusion of graduation rate and dropout rate in the school level accountability system.

(20) If a local school district is determined as failing and placed into conservatorship for reasons authorized by the provisions of this section, the conservator appointed to the district shall, within forty-five (45) days after being appointed, present a detailed and structured corrective action plan to move the local school district out of conservatorship status to the local school board and local superintendent of education if they have not been removed by the conservator, or if the board and superintendent have been removed, to the local governing authority of the municipality or county in which the school district under conservatorship is located. A copy of the conservator's corrective action plan shall also be filed with the State Board of Education.

SECTION 2. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

Senate Bill 2779

Description: Public Service Commission and Public Utilities Staff; authorize to hire attorneys or consultants in proceedings before FERC.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 527

History of Actions:

- 1 02/20 (S) Referred To Energy
- 2 03/06 (S) Title Suff Do Pass Comm Sub
- 3 03/08 (S) Committee Substitute Adopted
- 4 03/08 (S) Passed
- 5 03/08 (S) Immediate Release
- 6 03/09 (S) Transmitted To House
- 7 03/19 (H) Referred To Public Utilities; Judiciary A
- 8 03/28 (H) DR - TSDPAA: PU To JA
- 9 04/03 (H) DR - TSDPAA: JA To PU
- 10 04/03 (H) Title Suff Do Pass As Amended
- 11 04/10 (H) Amended
- 12 04/10 (H) Passed As Amended
- 13 04/11 (H) Returned For Concurrence
- 14 04/18 (S) Decline to Concur/Invite Conf
- 15 04/24 (S) Conferees Named Flowers, Polk, Ward
- 16 04/26 (H) Conferees Named Beckett, Read, Lott
- 17 04/29 (S) Conference Report Filed
- 18 04/29 (H) Conference Report Filed
- 19 04/30 (H) Conference Report Adopted
- 20 05/02 (S) Conference Report Adopted
- 21 05/07 (S) Enrolled Bill Signed
- 22 05/08 (H) Enrolled Bill Signed
- 23 05/17 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2779

Conference Reports:

Conference Report

----- Additional Information -----

Senate Committee: Energy

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House Committee: Public Utilities, Judiciary A

Principal Author: Flowers

Additional Authors: Jackson (11th)

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Flowers, Jackson (11th)

To: Energy

SENATE BILL NO. 2779
(As Sent to Governor)

AN ACT TO AUTHORIZE THE PUBLIC SERVICE COMMISSION AND THE PUBLIC UTILITIES STAFF TO HIRE ATTORNEYS OR CONSULTANTS IN PROCEEDINGS BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION, OTHER FEDERAL AGENCIES AND FEDERAL COURTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The Public Service Commission, with the aid and the assistance of the Public Utilities Staff, shall have the power to monitor, investigate, and seek relief in any appropriate federal forum from all existing or proposed interstate rates, charges, allocations and classifications, and all rules and practices in relation thereto promulgated and prescribed by or for any public utility as defined in Section 77-3-3(d)(i).

(2) The Public Service Commission, with the aid and the assistance of the Public Utilities Staff, may seek relief from any proposed or final decision, order, regulation, rule or law that has an impact on any existing or proposed interstate rate, charge allocation or classification.

(3) For the purpose of this section, the Public Service Commission and the Executive Director of the Public Utilities Staff may each enter into professional services contracts with one or more attorneys or consultants from a competent, qualified and independent firm as may be required by the commission or the executive director. Costs associated with the professional service contracts shall not exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00) for each agency with respect to each rate regulated affected utility in any twelve-month period. The consultants or counsel shall submit periodically, but no less

frequently than once each calendar quarter, to the executive director or the commission, as applicable, for approval of payment, itemized bills detailing the work performed. The executive director or the chairman of the commission, as applicable, shall requisition the applicable public utility to make the requisite payments to such consultants. The commission shall allow the utility to recover both the total costs the utility incurred under this section and the carrying charges for those costs through a rate rider established to recover the costs incurred and carrying charges incurred. Such rider shall include a true-up provision to ensure actual recovery of costs paid or otherwise incurred by the utility.

(4) This section shall stand repealed from and after July 1, 2013.

SECTION 2. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2786

Description: Public land at Mississippi State Penitentiary; authorize Secretary of State to lease for wind power generation projects.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: ** See Text

Chapter Number: 538

History of Actions:

- 1 02/20 (S) Referred To Public Property;Corrections
- 2 03/05 (S) DR - TSDPCS: PP To CR
- 3 03/06 (S) Title Suff Do Pass Comm Sub
- 4 03/15 (S) Committee Substitute Adopted
- 5 03/15 (S) Passed
- 6 03/16 (S) Transmitted To House
- 7 03/21 (H) Referred To Public Property;Corrections
- 8 04/03 (H) DR - TSDPAA: PP To CN
- 9 04/03 (H) DR - TSDPAA: CN To PP
- 10 04/03 (H) Title Suff Do Pass As Amended
- 11 04/10 (H) Amended
- 12 04/10 (H) Passed As Amended
- 13 04/11 (H) Returned For Concurrence
- 14 04/18 (S) Decline to Concur/Invite Conf
- 15 04/25 (S) Conferees Named Blount,Simmons (13th),Harkins
- 16 04/26 (H) Conferees Named Weathersby,Bounds,Thomas
- 17 04/28 (S) Conference Report Filed
- 18 04/28 (H) Conference Report Filed
- 19 04/30 (H) Conference Report Adopted
- 20 05/01 (S) Conference Report Adopted
- 21 05/07 (S) Enrolled Bill Signed
- 22 05/08 (H) Enrolled Bill Signed
- 23 05/22 Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub) *Lost*

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2786

Conference Reports:

Conference Report

Code Section: A 047-0005-0064, A 047-0005-0066

----- Additional Information -----

Senate Committee: Public Property, Corrections

House Committee: Public Property, Corrections

Principal Author: Simmons (13th)

Additional Authors: Simmons (12th)

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Simmons (13th), Simmons
(12th)

To: Public Property;
Corrections

SENATE BILL NO. 2786
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 47-5-64 AND 47-5-66, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO LEASE PUBLIC LAND LOCATED AT THE MISSISSIPPI STATE PENITENTIARY; TO PROVIDE THAT LEASE PAYMENTS FOR SUCH PROJECTS SHALL BE DEPOSITED INTO THE PRISON AGRICULTURAL ENTERPRISE FUND WITH 15% EARMARKED FOR THE PUBLIC SCHOOLS OF SUNFLOWER COUNTY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 47-5-64, Mississippi Code of 1972, is amended as follows:

47-5-64. (1) The commissioner is hereby directed to determine the number of acres and location of land under the department's jurisdiction that are needed for security purposes, for Prison Agricultural Enterprises and for nonagricultural purposes. The commissioner shall designate and reserve such additional land for agricultural or nonagricultural enterprise projects of the department, as he deems necessary. The commissioner shall then recommend to the Department of Finance and Administration the number of acres of department land that should be leased to private entities and the term of the leases.

(2) The Department of Finance and Administration is authorized to lease for agricultural purposes that Penitentiary land so recommended for not less than three (3) nor more than eight (8) years, with the approval of the Public Procurement Review Board.

(3) The Department of Finance and Administration, with the approval of the Governor, the Secretary of State and the Commissioner of the Department of Corrections, is authorized to lease Penitentiary land for power generation projects or other

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commercial or industrial projects at the same time that it leases the land as prescribed in Section 47-5-64(2). The Department of Finance and Administration is authorized to negotiate all aspects of leases or related agreements executed under this subsection consistent with the following:

(a) The period of the lease term combined with the term of renewal shall not exceed forty (40) years.

(b) Any lease or renewal lease shall:

(i) Provide for periodic rent adjustments throughout the term of the lease; and

(ii) Require the lessee to provide a decommissioning and restoration bond or other security securing the lessee's obligation to remove all aboveground and underground facilities to a depth of at least three (3) feet underground and to restore the surface to a condition similar to its condition before the commencement of the lease.

(c) Any lease or renewal lease may provide for any combination of the following: base rent, bonuses, percentage of income payments, royalty payments or other terms and conditions that the Department of Finance and Administration deems necessary to maintain a fair and equitable return to the state and to protect the leased land throughout the term of the lease or renewal lease.

(d) Oil, gas and mineral rights in the leased land shall be reserved to the State of Mississippi.

(e) This subsection does not authorize the sale or transfer of title to any state lands.

(f) The Department of Finance and Administration may charge fees and expenses, not to exceed costs, incurred in administering this subsection.

(g) Any monies derived from leasing lands under this subsection shall be deposited to the Prison Agricultural Enterprise Fund as provided in Section 47-5-66.

SECTION 2. Section 47-5-66, Mississippi Code of 1972, is amended as follows:

47-5-66. (1) Except as provided in Section 47-5-64(3), it shall be the duty of the Department of Finance and Administration, with the approval of the Public Procurement Review Board, to lease lands at public contract upon the submission of two (2) or more sealed bids to the Department of Finance and Administration after having advertised the land for rent in newspapers of general circulation published in Jackson, Mississippi; Memphis, Tennessee; the county in which the land is located; and contiguous counties for a period of not less than two (2) successive weeks. The first publication shall be made not less than ten (10) days before the date of the public contract, and the last publication shall be made not more than seven (7) days before that date. The Department of Finance and Administration may reject any and all bids. If all bids on a tract or parcel of land are rejected, the Department of Finance and Administration may then advertise for new bids on that tract or parcel of land. Successful bidders shall take possession of their leaseholds at the time authorized by the Department of Finance and Administration. However, rent shall be due no later than the day upon which the lessee shall assume possession of the leasehold, and shall be due on the anniversary date for each following year of the lease. The Department of Finance and Administration may provide in any lease that rent shall be paid in full in advance or paid in installments, as may be necessary or appropriate. In addition, the Department of Finance and Administration may accept, and the lease may provide for, assignments of federal, state or other agricultural support payments, growing crops or the proceeds from the sale thereof, promissory notes, or any other good and valuable consideration offered by any lessee to meet the rent requirements of the lease. If a promissory note is offered by a lessee, it shall be secured by a first lien on the crop of the lessee, or the

proceeds from the sale thereof. The lien shall be filed pursuant to Article 9 of the Uniform Commercial Code and Section 1324 of the Food Security Act of 1985, as enacted or amended. If the note is not paid at maturity, it shall bear interest at the rate provided for judgments and decrees in Section 75-17-7 from its maturity date until the note is paid. The note shall provide for the payment of all costs of collection and reasonable attorney's fees if default is made in the payment of the note. The payment of rent by promissory note or any means other than cash in advance shall be subject to the approval of the Public Procurement Review Board, which shall place the approval of record in the minutes of the board.

(2) There is created a special fund to be designated as the "Prison Agricultural Enterprises Fund" and to be used for the purpose of conducting, operating and managing the agricultural and nonagricultural enterprises of the department. Any monies derived from the leasing of Penitentiary lands, from the sales of timber as provided in Section 47-5-56, from the prison's agricultural enterprises or earmarked for the Prison Industries Fund shall be deposited to the special fund * * *. However, fifteen percent (15%) of the monies derived from the leasing of Penitentiary lands under Section 47-5-64(3) shall be deposited to a special fund to be distributed annually on a student pro rata basis to the public schools located in Sunflower County by the Department of Finance and Administration.

(3) All profits derived from prison industries shall be placed in a special fund in the State Treasury to be known as the "Prison Industries Fund," to be appropriated each year by the Legislature to the nonprofit corporation, which is required to be organized under the provisions of Section 47-5-535, for the purpose of operating and managing the prison industries.

(4) The state shall have the rights and remedies for the security and collection of the rents given by law to landlords.

(5) Lands leased for agricultural purposes under Section 47-5-64(2) shall be subject to a fee-in-lieu of ad valorem taxes, including taxes levied for school purposes. The fee-in-lieu shall be Nine Dollars (\$9.00) per acre. Upon the execution of the agricultural leases to private entities as authorized by Section 47-5-64(2), the Department of Finance and Administration shall collect the in lieu fee and shall forward the fees to the tax collector in which the land is located. The tax collector shall disburse the fees to the appropriate county or municipal governing authority on a pro rata basis. The sum apportioned to a school district shall not be less than the school district's pro rata share based upon the proportion that the millage imposed for the school district by the appropriate levying authority bears to the millage imposed by the levying authority for all other county or municipal purposes. Any funds obtained by the corporation as a result of sale of goods and services manufactured and provided by it shall be accounted for separate and apart from any funds received by the corporation through appropriation from the State Legislature. All nonappropriated funds generated by the corporation shall not be subject to appropriation by the State Legislature.

(6) Any land leased, as provided under Section 47-5-64(2), shall not be leased for an amount less than would be received if such land were to be leased under any federal loan program. In addition, all leases shall be subject to the final approval of the Public Procurement Review Board before such leases are to become effective.

* * *

SECTION 3. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2792

Description: Dual enrollment-dual credit work skills certificate program in high school and community college; establish pilot program.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 521

History of Actions:

- 1 02/20 (S) Referred To Education; Appropriations
- 2 02/28 (S) DR - TSDP: ED To AP
- 3 03/01 (S) Title Suff Do Pass
- 4 03/13 (S) Passed
- 5 03/14 (S) Transmitted To House
- 6 03/19 (H) Referred To Education; Universities and Colleges
- 7 03/28 (H) DR - TSDPAA: ED To UC
- 8 03/28 (H) DR - TSDPAA: UC To ED
- 9 03/28 (H) Title Suff Do Pass As Amended
- 10 04/05 (H) Amended
- 11 04/05 (H) Passed As Amended
- 12 04/11 (H) Returned For Concurrence
- 13 04/18 (S) Decline to Concur/Invite Conf
- 14 04/24 (S) Conferees Named Tollison, Burton, Collins
- 15 04/25 (H) Conferees Named Moore, Holloway, Mettetal
- 16 04/27 (H) Conference Report Filed
- 17 04/27 (S) Conference Report Filed
- 18 04/30 (H) Conference Report Adopted
- 19 05/02 (S) Conference Report Adopted
- 20 05/09 (S) Enrolled Bill Signed
- 21 05/09 (H) Enrolled Bill Signed
- 22 05/14 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

[H] Amendment No 1 to Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2792

Conference Reports:

Conference Report

Code Section: A 037-0015-0038, A 037-0151-0005, A 037-0151-0007

----- Additional Information -----

Senate Committee: Education, Appropriations

House Committee: Education, Universities and Colleges

Principal Author: Tollison

Additional Authors: Burton, Hill, Blount, Browning, Butler (36th), Butler (38th), Clarke, Doty, Gandy, Gollott, Hale, Hopson, Hudson, Jackson (15th), Jackson (11th), Jordan, Longwitz, Massey, McDaniel, Montgomery, Moran, Parks, Simmons (12th), Smith, Sojourner, Stone, Tindell, Ward, Watson, Wiggins

2012 GENERAL LAWS OF MISSISSIPPI, SB 2792

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Tollison, Burton, Hill,
Blount, Browning, Butler (36th), Butler
(38th), Clarke, Doty, Gandy, Gollott, Hale,
Hopson, Hudson, Jackson (15th), Jackson
(11th), Jordan, Longwitz, Massey, McDaniel,
Montgomery, Moran, Parks, Simmons (12th),
Smith, Sojourner, Stone, Tindell, Ward,
Watson, Wiggins

To: Education;
Appropriations

SENATE BILL NO. 2792
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-15-38, MISSISSIPPI CODE OF 1972, TO AUTHORIZE STUDENTS TO DUALY ENROLL IN THEIR HOME HIGH SCHOOL AND A LOCAL COMMUNITY COLLEGE IN A DUAL CREDIT PROGRAM CONSISTING OF HIGH SCHOOL COMPLETION COURSES AND A WORK SKILLS CERTIFICATE PROGRAM; TO ESTABLISH THIS DUAL CREDIT OPTION ON A PILOT PROGRAM BASIS TO BE IMPLEMENTED STATEWIDE IN THE 2013-2014 SCHOOL YEAR; TO PRESCRIBE THE COMPONENTS OF THE DUAL CREDIT OPTION PROGRAM; TO AMEND SECTIONS 37-151-5 AND 37-151-7, MISSISSIPPI CODE OF 1972, TO PROVIDE STATE FUNDING UNDER THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM FOR THE DUAL CREDIT PROGRAM; TO REQUIRE THE COUNTY TAX ASSESSORS TO ANNUALLY SUBMIT TO THE STATE DEPARTMENT OF EDUCATION CERTAIN INFORMATION RELATING TO THE ASSESSED VALUE OF PROPERTY WHICH IS USED BY THE DEPARTMENT IN DETERMINING THE AMOUNT THAT EACH SCHOOL DISTRICT MUST CONTRIBUTE TOWARD THE COST OF THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO MAKE A FORM AVAILABLE TO THE TAX ASSESSORS FOR THE SUBMISSION OF THE REPORTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-15-38, Mississippi Code of 1972, is amended as follows:

37-15-38. (1) The following phrases have the meanings ascribed in this section unless the context clearly requires otherwise:

(a) A dual enrolled student is a student who is enrolled in a community or junior college or state institution of higher learning while enrolled in high school.

(b) A dual credit student is a student who is enrolled in a community or junior college or state institution of higher learning while enrolled in high school and who is receiving high school and college credit for postsecondary coursework.

(2) A local school board, the Board of Trustees of State Institutions of Higher Learning and the State Board for Community * * * Colleges shall establish a dual enrollment system

under which students in the school district who meet the prescribed criteria of this section may be enrolled in a postsecondary institution in Mississippi while they are still in school.

(3) **Dual credit eligibility.** Before credits earned by a qualified high school student from a community or junior college or state institution of higher learning may be transferred to the student's home school district, the student must be properly enrolled in a dual enrollment program.

(4) **Admission criteria for dual enrollment in community and junior college or university programs.** The boards of trustees of the community and junior college districts and the Board of Trustees of State Institutions of Higher Learning may recommend to the State Board of Education admission criteria for dual enrollment programs under which high school students may enroll at a community or junior college or university while they are still attending high school and enrolled in high school courses. Students may be admitted to enroll in community or junior college courses under the dual enrollment programs if they meet that individual institution's stated dual enrollment admission requirements.

(5) **Tuition and cost responsibility.** Tuition and costs for university-level courses and community and junior college courses offered under a dual enrollment program may be paid for by the postsecondary institution, the local school district, the parents or legal guardians of the student, or by grants, foundations or other private or public sources. Payment for tuition and any other costs must be made directly to the credit-granting institution.

(6) **Transportation responsibility.** Any transportation required by a student to participate in the dual enrollment program is the responsibility of the parent, custodian or legal guardian of the student. Transportation costs may be paid from

any available public or private sources, including the local school district.

(7) **School district average daily attendance credit.** When dually enrolled, the student may be counted, for adequate education program funding purposes, in the average daily attendance of the public school district in which the student attends high school.

(8) **High school student transcript transfer requirements.** Grades and college credits earned by a student admitted to a dual credit program must be recorded on the high school student record and on the college transcript at the university or community or junior college and high school where the student attends classes. The transcript of the university or community or junior college coursework may be released to another institution or applied toward college graduation requirements.

(9) **Determining factor of prerequisites for dual enrollment courses.** Each university and community or junior college participating in a dual enrollment program shall determine course prerequisites. Course prerequisites shall be the same for dual enrolled students as for regularly enrolled students at that university or community or junior college.

(10) **Process for determining articulation of curriculum between high school, university, and community and junior college courses.** All dual credit courses must meet the standards established at the postsecondary level. Postsecondary level developmental courses may not be considered as meeting the requirements of the dual credit program. Dual credit memorandum of understandings must be established between each postsecondary institution and the school district implementing a dual credit program.

(11) **Ineligible courses for dual credit programs.** Any course that is required for subject area testing as a requirement

for graduation from a public school in Mississippi is not eligible for dual credit.

(12) **Eligible courses for dual credit programs.** Courses eligible for dual credit include, but are not necessarily limited to, foreign languages, advanced math courses, advanced science courses, performing arts, advanced business and technology, and career and technical courses. All courses being considered for dual credit must receive unconditional approval from the superintendent of the local school district and the chief instructional officer at the participating community or junior college or university in order for college credit to be awarded. A university or community or junior college shall make the final decision on what courses are eligible for semester hour credits. * * *

(13) **High school Carnegie unit equivalency.** One (1) three-hour university or community or junior college course is equal to one (1) high school Carnegie unit. * * *

(14) **Course alignment.** * * * The universities, community and junior colleges and the State Department of Education shall periodically review their respective policies and assess the place of dual credit courses within the context of their traditional offerings.

(15) **Maximum dual credits allowed.** It is the intent of the dual enrollment program to make it possible for every eligible student who desires to earn a semester's worth of college credit in high school to do so. A qualified dually enrolled high school student must be allowed to earn an unlimited number of college or university credits for dual credit.

(16) **Dual credit program allowances.** A student may be granted credit delivered through the following means:

(a) Examination preparation taught at a high school by a qualified teacher. A student may receive credit at the secondary level after completion of an approved course and passing

the standard examination, such as an Advanced Placement or International Baccalaureate course through which a high school student is allowed CLEP credit by making a three (3) or higher on the end-of-course examination.

(b) College or university courses taught at a high school or designated postsecondary site by a qualified teacher who is an employee of the school district and approved as an instructor by the collaborating college or university.

(c) College or university courses taught at a college, university or high school by an instructor employed by the college or university and approved by the collaborating school district.

(d) Online courses of any public university, community or junior college in Mississippi.

(17) **Qualifications of dual credit instructors.** A dual credit academic instructor must meet the requirements set forth by the regional accrediting association (Southern Association of College and Schools). University and community and junior college personnel have the sole authority in the selection of dual credit instructors.

A dual credit career and technical education instructor must meet the requirements set forth by the State Board for Community and Junior Colleges in the qualifications manual for postsecondary career and technical personnel.

(18) **Guidance on local agreements.** The Chief Academic Officer of the State Board of Trustees of State Institutions of Higher Learning and the Chief Instructional Officers of the State Board for Community and Junior Colleges and the State Department of Education, working collaboratively, shall develop a template to be used by the individual community and junior colleges and institutions of higher learning for consistent implementation of the dual enrollment program throughout the State of Mississippi.

(19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
A local school board and the local community colleges board shall

establish a Mississippi Works Dual Enrollment-Dual Credit Option Program under which potential or recent student dropouts may dually enroll in their home school and a local community college in a dual credit program consisting of high school completion coursework and a community college credential, certificate or degree program. Students completing the dual enrollment-credit option may obtain their high school diploma while obtaining a community college credential, certificate or degree. The Mississippi Department of Employment Security shall assist students who have successfully completed the Mississippi Works Dual Enrollment-Dual Credit Option in securing a job upon the application of the student or the participating school or community college. The Mississippi Works Dual Enrollment-Dual Credit Option Program will be implemented statewide in the 2012-2013 school year and thereafter. The State Board of Education, local school board and the local community college board shall establish criteria for the Dual Enrollment-Dual Credit Program. Students enrolled in the program will not be eligible to participate in interscholastic sports or other extracurricular activities at the home school district. Tuition and costs for community college courses offered under the Dual Enrollment-Dual Credit Program shall not be charged to the student, parents or legal guardians. When dually enrolled, the student shall be counted for adequate education program funding purposes, in the average daily attendance of the public school district in which the student attends high school, as provided in Section 37-151-7(1)(a). Any transportation required by the student to participate in the Dual Enrollment-Dual Credit Program is the responsibility of the parent or legal guardian of the student, and transportation costs may be paid from any available public or private sources, including the local school district. Grades and college credits earned by a student admitted to this Dual Enrollment-Dual Credit Program shall be recorded on the high

school student record and on the college transcript at the community college and high school where the student attends classes. The transcript of the community college coursework may be released to another institution or applied toward college graduation requirements. Any course that is required for subject area testing as a requirement for graduation from a public school in Mississippi is eligible for dual credit, and courses eligible for dual credit shall also include career, technical and degree program courses. All courses eligible for dual credit shall be approved by the superintendent of the local school district and the chief instructional officer at the participating community college in order for college credit to be awarded. A community college shall make the final decision on what courses are eligible for semester hour credits and the local school superintendent, subject to approval by the Mississippi Department of Education, shall make the final decision on the transfer of college courses credited to the student's high school transcript.

SECTION 2. Section 37-151-5, Mississippi Code of 1972, is amended as follows:

37-151-5. As used in Sections 37-151-5 and 37-151-7:

(a) "Adequate program" or "adequate education program" or "Mississippi Adequate Education Program (MAEP)" shall mean the program to establish adequate current operation funding levels necessary for the programs of such school district to meet at least a successful Level III rating of the accreditation system as established by the State Board of Education using current statistically relevant state assessment data.

(b) "Educational programs or elements of programs not included in the adequate education program calculations, but which may be included in appropriations and transfers to school districts" shall mean:

(i) "Capital outlay" shall mean those funds used for the constructing, improving, equipping, renovating or major

repairing of school buildings or other school facilities, or the cost of acquisition of land whereon to construct or establish such school facilities.

(ii) "Pilot programs" shall mean programs of a pilot or experimental nature usually designed for special purposes and for a specified period of time other than those included in the adequate education program.

(iii) "Adult education" shall mean public education dealing primarily with students above eighteen (18) years of age not enrolled as full-time public school students and not classified as students of technical schools, colleges or universities of the state.

(iv) "Food service programs" shall mean those programs dealing directly with the nutritional welfare of the student, such as the school lunch and school breakfast programs.

(c) "Base student" shall mean that student classification that represents the most economically educated pupil in a school system meeting the definition of successful, as determined by the State Board of Education.

(d) "Base student cost" shall mean the funding level necessary for providing an adequate education program for one (1) base student, subject to any minimum amounts prescribed in Section 37-151-7(1).

(e) "Add-on program costs" shall mean those items which are included in the adequate education program appropriations and are outside of the program calculations:

(i) "Transportation" shall mean transportation to and from public schools for the students of Mississippi's public schools provided for under law and funded from state funds.

(ii) "Vocational or technical education program" shall mean a secondary vocational or technical program approved by the State Department of Education and provided for from state funds.

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(iii) "Special education program" shall mean a program for exceptional children as defined and authorized by Sections 37-23-1 through 37-23-9, and approved by the State Department of Education and provided from state funds.

(iv) "Gifted education program" shall mean those programs for the instruction of intellectually or academically gifted children as defined and provided for in Section 37-23-175 et seq.

(v) "Alternative school program" shall mean those programs for certain compulsory-school-age students as defined and provided for in Sections 37-13-92 and 37-19-22.

(vi) "Extended school year programs" shall mean those programs authorized by law which extend beyond the normal school year.

(vii) "University-based programs" shall mean those university-based programs for handicapped children as defined and provided for in Section 37-23-131 et seq.

(viii) "Bus driver training" programs shall mean those driver training programs as provided for in Section 37-41-1.

(f) "Teacher" shall include any employee of a local school who is required by law to obtain a teacher's license from the State Board of Education and who is assigned to an instructional area of work as defined by the State Department of Education.

(g) "Principal" shall mean the head of an attendance center or division thereof.

(h) "Superintendent" shall mean the head of a school district.

(i) "School district" shall mean any type of school district in the State of Mississippi, and shall include agricultural high schools.

(j) "Minimum school term" shall mean a term of at least one hundred eighty (180) days of school in which both teachers and

pupils are in regular attendance for scheduled classroom instruction for not less than sixty percent (60%) of the normal school day. It is the intent of the Legislature that any tax levies generated to produce additional local funds required by any school district to operate school terms in excess of one hundred seventy-five (175) days shall not be construed to constitute a new program for the purposes of exemption from the limitation on tax revenues as allowed under Sections 27-39-321 and 37-57-107 for new programs mandated by the Legislature.

(k) The term "transportation density" shall mean the number of transported children in average daily attendance per square mile of area served in a school district, as determined by the State Department of Education.

(l) The term "transported children" shall mean children being transported to school who live within legal limits for transportation and who are otherwise qualified for being transported to school at public expense as fixed by Mississippi state law.

(m) The term "year of teaching experience" shall mean nine (9) months of actual teaching in the public or private schools. In no case shall more than one (1) year of teaching experience be given for all services in one (1) calendar or school year. In determining a teacher's experience, no deduction shall be made because of the temporary absence of the teacher because of illness or other good cause, and the teacher shall be given credit therefor. Beginning with the 2003-2004 school year, the State Board of Education shall fix a number of days, not to exceed forty-five (45) consecutive school days, during which a teacher may not be under contract of employment during any school year and still be considered to have been in full-time employment for a regular scholastic term. If a teacher exceeds the number of days established by the State Board of Education that a teacher may not be under contract but may still be employed, that teacher shall

not be credited with a year of teaching experience. In determining the experience of school librarians, each complete year of continuous, full-time employment as a professional librarian in a public library in this or some other state shall be considered a year of teaching experience. If a full-time school administrator returns to actual teaching in the public schools, the term "year of teaching experience" shall include the period of time he or she served as a school administrator. In determining the salaries of teachers who have experience in any branch of the military, the term "year of teaching experience" shall include each complete year of actual classroom instruction while serving in the military. In determining the experience of speech-language pathologists and audiologists, each complete year of continuous full-time post master's degree employment in an educational setting in this or some other state shall be considered a year of teaching experience. Provided, however, that school districts are authorized, in their discretion, to negotiate the salary levels applicable to certificated employees employed after July 1, 2009, who are receiving retirement benefits from the retirement system of another state, and the annual experience increment provided in Section 37-19-7 shall not be applicable to any such retired certificated employee.

(n) The term "average daily attendance" shall be the figure which results when the total aggregate attendance during the period or months counted is divided by the number of days during the period or months counted upon which both teachers and pupils are in regular attendance for scheduled classroom instruction less the average daily attendance for self-contained special education classes and, prior to full implementation of the adequate education program the department shall deduct the average daily attendance for the alternative school program provided for in Section 37-19-22.

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(o) The term "local supplement" shall mean the amount paid to an individual teacher over and above the adequate education program salary schedule for regular teaching duties.

(p) The term "aggregate amount of support from ad valorem taxation" shall mean the amounts produced by the district's total tax levies for operations.

(q) The term "adequate education program funds" shall mean all funds, both state and local, constituting the requirements for meeting the cost of the adequate program as provided for in Section 37-151-7.

(r) "Department" shall mean the State Department of Education.

(s) "Commission" shall mean the Mississippi Commission on School Accreditation created under Section 37-17-3.

(t) The term "successful school district" shall mean a Level III school district as designated by the State Board of Education using current statistically relevant state assessment data.

(u) "Dual enrollment-dual credit programs" shall mean programs for potential or recent high school student dropouts to dually enroll in their home high school and a local community college in a dual credit program consisting of high school completion coursework and a credential, certificate or degree program at the community college, as provided in Section 37-15-38(19).

SECTION 3. Section 37-151-7, Mississippi Code of 1972, is amended as follows:

37-151-7. The annual allocation to each school district for the operation of the adequate education program shall be determined as follows:

(1) **Computation of the basic amount to be included for current operation in the adequate education program.** The

following procedure shall be followed in determining the annual allocation to each school district:

(a) **Determination of average daily attendance.**

Effective with fiscal year 2011, the State Department of Education shall determine the percentage change from the prior year of each year of each school district's average of months two (2) and three (3) average daily attendance (ADA) for the three (3) immediately preceding school years of the year for which funds are being appropriated. For any school district that experiences a positive growth in the average of months two (2) and three (3) ADA each year of the three (3) years, the average percentage growth over the three-year period shall be multiplied times the school district's average of months two (2) and three (3) ADA for the year immediately preceding the year for which MAEP funds are being appropriated. The resulting amount shall be added to the school district's average of months two (2) and three (3) ADA for the year immediately preceding the year for which MAEP funds are being appropriated to arrive at the ADA to be used in determining a school district's MAEP allocation. Otherwise, months two (2) and three (3) ADA for the year immediately preceding the year for which MAEP funds are being appropriated will be used in determining a school district's MAEP allocation. In any fiscal year prior to 2010 in which the MAEP formula is not fully funded, for those districts that do not demonstrate a three-year positive growth in months two (2) and three (3) ADA, months one (1) through nine (9) ADA of the second preceding year for which funds are being appropriated or months two (2) and three (3) ADA of the preceding year for which funds are being appropriated, whichever is greater, shall be used to calculate the district's MAEP allocation. The district's average daily attendance shall be computed and currently maintained in accordance with regulations promulgated by the State Board of Education. The district's average daily attendance shall include any student enrolled in a

Dual Enrollment-Dual Credit Program as defined and provided in Section 37-15-38(19). The State Department of Education shall make payments for Dual Enrollment-Dual Credit Programs to the home school in which the student is enrolled, in accordance with regulations promulgated by the State Board of Education. The community college providing services to students in a Dual Enrollment-Dual Credit Program shall require payment from the home school district for services provided to such students at a rate of one hundred percent (100%) of ADA. All MAEP/state funding shall cease upon completion of high school graduation requirements.

(b) **Determination of base student cost.** Effective with fiscal year 2011 and every fourth fiscal year thereafter, the State Board of Education, on or before August 1, with adjusted estimate no later than January 2, shall submit to the Legislative Budget Office and the Governor a proposed base student cost adequate to provide the following cost components of educating a pupil in a successful school district: (i) Instructional Cost; (ii) Administrative Cost; (iii) Operation and Maintenance of Plant; and (iv) Ancillary Support Cost. For purposes of these calculations, the Department of Education shall utilize financial data from the second preceding year of the year for which funds are being appropriated.

For the instructional cost component, the Department of Education shall select districts that have been identified as instructionally successful and have a ratio of a number of teachers per one thousand (1,000) students that is between one (1) standard deviation above the mean and two (2) standard deviations below the mean of the statewide average of teachers per one thousand (1,000) students. The instructional cost component shall be calculated by dividing the latest available months one (1) through nine (9) ADA into the instructional expenditures of these selected districts. For the purpose of this calculation, the

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Department of Education shall use the following funds, functions and objects:

Fund 1120 Functions 1110-1199 Objects 100-999, Functions 1210, 1220, 2150-2159 Objects 210 and 215;

Fund 1130 All Functions, Object Code 210 and 215;

Fund 2001 Functions 1110-1199 Objects 100-999;

Fund 2070 Functions 1110-1199 Objects 100-999;

Fund 2420 Functions 1110-1199 Objects 100-999;

Fund 2711 All Functions, Object Code 210 and 215.

Prior to the calculation of the instructional cost component, there shall be subtracted from the above expenditures any revenue received for Chickasaw Cession payments, Master Teacher Certification payments and the district's portion of state revenue received from the MAEP at-risk allocation.

For the administrative cost component, the Department of Education shall select districts that have been identified as instructionally successful and have a ratio of an administrative staff to nonadministrative staff between one (1) standard deviation above the mean and two (2) standard deviations below the mean of the statewide average administrative staff to nonadministrative staff. The administrative cost component shall be calculated by dividing the latest available months one (1) through nine (9) ADA of the selected districts into the administrative expenditures of these selected districts. For the purpose of this calculation, the Department of Education shall use the following funds, functions and objects:

Fund 1120 Functions 2300-2599, Functions 2800-2899, Objects 100-999;

Fund 2711 Functions 2300-2599, Functions 2800-2899, Objects 100-999.

For the plant and maintenance cost component, the Department of Education shall select districts that have been identified as instructionally successful and have a ratio of plant and

maintenance expenditures per one hundred thousand (100,000) square feet of building space and a ratio of maintenance workers per one hundred thousand (100,000) square feet of building space that are both between one (1) standard deviation above the mean and two (2) standard deviations below the mean of the statewide average. The plant and maintenance cost component shall be calculated by dividing the latest available months one (1) through nine (9) ADA of the selected districts into the plant and maintenance expenditures of these selected districts. For the purpose of this calculation, the Department of Education shall use the following funds, functions and objects:

Fund 1120 Functions 2600-2699, Objects 100-699
and Objects 800-999;

Fund 2711 Functions 2600-2699, Objects 100-699
and Objects 800-999;

Fund 2430 Functions 2600-2699, Objects 100-699
and Objects 800-999.

For the ancillary support cost component, the Department of Education shall select districts that have been identified as instructionally successful and have a ratio of a number of librarians, media specialists, guidance counselors and psychologists per one thousand (1,000) students that is between one (1) standard deviation above the mean and two (2) standard deviations below the mean of the statewide average of librarians, media specialists, guidance counselors and psychologists per one thousand (1,000) students. The ancillary cost component shall be calculated by dividing the latest available months one (1) through nine (9) ADA into the ancillary expenditures instructional expenditures of these selected districts. For the purpose of this calculation, the Department of Education shall use the following funds, functions and objects:

Fund 1120 Functions 2110-2129, Objects 100-999;
Fund 1120 Functions 2140-2149, Objects 100-999;

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Fund 1120 Functions 2220-2229, Objects 100-999;

Fund 2001 Functions 2100-2129, Objects 100-999;

Fund 2001 Functions 2140-2149, Objects 100-999;

Fund 2001 Functions 2220-2229, Objects 100-999.

The total base cost for each year shall be the sum of the instructional cost component, administrative cost component, plant and maintenance cost component and ancillary support cost component, and any estimated adjustments for additional state requirements as determined by the State Board of Education. Provided, however, that the base student cost in fiscal year 1998 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

For each of the fiscal years between the recalculation of the base student cost under the provisions of this paragraph (b), the base student cost shall be increased by an amount equal to forty percent (40%) of the base student cost for the previous fiscal year, multiplied by the latest annual rate of inflation for the State of Mississippi as determined by the State Economist, plus any adjustments for additional state requirements such as, but not limited to, teacher pay raises and health insurance premium increases.

(c) Determination of the basic adequate education program cost. The basic amount for current operation to be included in the Mississippi Adequate Education Program for each school district shall be computed as follows:

Multiply the average daily attendance of the district by the base student cost as established by the Legislature, which yields the total base program cost for each school district.

(d) Adjustment to the base student cost for at-risk pupils. The amount to be included for at-risk pupil programs for each school district shall be computed as follows: Multiply the base student cost for the appropriate fiscal year as determined under paragraph (b) by five percent (5%), and multiply that product by the number of pupils participating in the federal free

school lunch program in such school district, which yields the total adjustment for at-risk pupil programs for such school district.

(e) **Add-on program cost.** The amount to be allocated to school districts in addition to the adequate education program cost for add-on programs for each school district shall be computed as follows:

(i) Transportation cost shall be the amount allocated to such school district for the operational support of the district transportation system from state funds.

(ii) Vocational or technical education program cost shall be the amount allocated to such school district from state funds for the operational support of such programs.

(iii) Special education program cost shall be the amount allocated to such school district from state funds for the operational support of such programs.

(iv) Gifted education program cost shall be the amount allocated to such school district from state funds for the operational support of such programs.

(v) Alternative school program cost shall be the amount allocated to such school district from state funds for the operational support of such programs.

(vi) Extended school year programs shall be the amount allocated to school districts for those programs authorized by law which extend beyond the normal school year.

(vii) University-based programs shall be the amount allocated to school districts for those university-based programs for handicapped children as defined and provided for in Section 37-23-131 et seq., Mississippi Code of 1972.

(viii) Bus driver training programs shall be the amount provided for those driver training programs as provided for in Section 37-41-1, Mississippi Code of 1972.

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The sum of the items listed above (i) transportation, (ii) vocational or technical education, (iii) special education, (iv) gifted education, (v) alternative school, (vi) extended school year, (vii) university-based, and (viii) bus driver training shall yield the add-on cost for each school district.

(f) Total projected adequate education program cost.

The total Mississippi Adequate Education Program cost shall be the sum of the total basic adequate education program cost (paragraph (c)), and the adjustment to the base student cost for at-risk pupils (paragraph (d)) for each school district. In any year in which the MAEP is not fully funded, the Legislature shall direct the Department of Education in the K-12 appropriation bill as to how to allocate MAEP funds to school districts for that year.

(g) The State Auditor shall annually verify the State Board of Education's estimated calculations for the Mississippi Adequate Education Program that are submitted each year to the Legislative Budget Office on August 1 and the final calculation that is submitted on January 2.

(2) Computation of the required local revenue in support of the adequate education program. The amount that each district shall provide toward the cost of the adequate education program shall be calculated as follows:

(a) The State Department of Education shall certify to each school district that twenty-eight (28) mills, less the estimated amount of the yield of the School Ad Valorem Tax Reduction Fund grants as determined by the State Department of Education, is the millage rate required to provide the district required local effort for that year, or twenty-seven percent (27%) of the basic adequate education program cost for such school district as determined under paragraph (c), whichever is a lesser amount. In the case of an agricultural high school, the millage requirement shall be set at a level which generates an equitable amount per pupil to be determined by the State Board of Education.

(b) The State Department of Education shall determine the following from the annual assessment information submitted to the department by the tax assessors of the various counties: (i) the total assessed valuation of nonexempt property for school purposes in each school district; (ii) assessed value of exempt property owned by homeowners aged sixty-five (65) or older or disabled as defined in Section 27-33-67(2), Mississippi Code of 1972; (iii) the school district's tax loss from exemptions provided to applicants under the age of sixty-five (65) and not disabled as defined in Section 27-33-67(1), Mississippi Code of 1972; and (iv) the school district's homestead reimbursement revenues.

(c) The amount of the total adequate education program funding which shall be contributed by each school district shall be the sum of the ad valorem receipts generated by the millage required under this subsection plus the following local revenue sources for the appropriate fiscal year which are or may be available for current expenditure by the school district:

One hundred percent (100%) of Grand Gulf income as prescribed in Section 27-35-309.

One hundred percent (100%) of any fees in lieu of taxes as prescribed in Section 27-31-104.

(3) Computation of the required state effort in support of the adequate education program.

(a) The required state effort in support of the adequate education program shall be determined by subtracting the sum of the required local tax effort as set forth in subsection (2)(a) of this section and the other local revenue sources as set forth in subsection (2)(c) of this section in an amount not to exceed twenty-seven percent (27%) of the total projected adequate education program cost as set forth in subsection (1)(f) of this section from the total projected adequate education program cost as set forth in subsection (1)(f) of this section.

(b) Provided, however, that in fiscal year 1998 and in the fiscal year in which the adequate education program is fully funded by the Legislature, any increase in the said state contribution to any district calculated under this section shall be not less than eight percent (8%) in excess of the amount received by said district from state funds for the fiscal year immediately preceding. For purposes of this paragraph (b), state funds shall include minimum program funds less the add-on programs, State Uniform Millage Assistance Grant Funds, Education Enhancement Funds appropriated for Uniform Millage Assistance Grants and state textbook allocations, and State General Funds allocated for textbooks.

(c) If the school board of any school district shall determine that it is not economically feasible or practicable to operate any school within the district for the full one hundred eighty (180) days required for a school term of a scholastic year as required in Section 37-13-63, Mississippi Code of 1972, due to an enemy attack, a man-made, technological or natural disaster in which the Governor has declared a disaster emergency under the laws of this state or the President of the United States has declared an emergency or major disaster to exist in this state, said school board may notify the State Department of Education of such disaster and submit a plan for altering the school term. If the State Board of Education finds such disaster to be the cause of the school not operating for the contemplated school term and that such school was in a school district covered by the Governor's or President's disaster declaration, it may permit said school board to operate the schools in its district for less than one hundred eighty (180) days and, in such case, the State Department of Education shall not reduce the state contributions to the adequate education program allotment for such district, because of the failure to operate said schools for one hundred eighty (180) days.

(4) The Interim School District Capital Expenditure Fund is hereby established in the State Treasury which shall be used to distribute any funds specifically appropriated by the Legislature to such fund to school districts entitled to increased allocations of state funds under the adequate education program funding formula prescribed in Sections 37-151-3 through 37-151-7, Mississippi Code of 1972, until such time as the said adequate education program is fully funded by the Legislature. The following percentages of the total state cost of increased allocations of funds under the adequate education program funding formula shall be appropriated by the Legislature into the Interim School District Capital Expenditure Fund to be distributed to all school districts under the formula: Nine and two-tenths percent (9.2%) shall be appropriated in fiscal year 1998, twenty percent (20%) shall be appropriated in fiscal year 1999, forty percent (40%) shall be appropriated in fiscal year 2000, sixty percent (60%) shall be appropriated in fiscal year 2001, eighty percent (80%) shall be appropriated in fiscal year 2002, and one hundred percent (100%) shall be appropriated in fiscal year 2003 into the State Adequate Education Program Fund. Until July 1, 2002, such money shall be used by school districts for the following purposes:

(a) Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training buildings, libraries, school barns and garages for transportation vehicles, school athletic fields and necessary facilities connected therewith, and purchasing land therefor. Any such capital improvement project by a school district shall be approved by the State Board of Education, and based on an approved long-range plan. The State Board of Education shall promulgate minimum requirements for the approval of school district capital expenditure plans.

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(b) Providing necessary water, light, heating, air-conditioning, and sewerage facilities for school buildings, and purchasing land therefor.

(c) Paying debt service on existing capital improvement debt of the district or refinancing outstanding debt of a district if such refinancing will result in an interest cost savings to the district.

(d) From and after October 1, 1997, through June 30, 1998, pursuant to a school district capital expenditure plan approved by the State Department of Education, a school district may pledge such funds until July 1, 2002, plus funds provided for in paragraph (e) of this subsection (4) that are not otherwise permanently pledged under such paragraph (e) to pay all or a portion of the debt service on debt issued by the school district under Sections 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt issued by boards of supervisors for agricultural high schools pursuant to Section 37-27-65, Mississippi Code of 1972, or lease-purchase contracts entered into pursuant to Section 31-7-13, Mississippi Code of 1972, or to retire or refinance outstanding debt of a district, if such pledge is accomplished pursuant to a written contract or resolution approved and spread upon the minutes of an official meeting of the district's school board or board of supervisors. It is the intent of this provision to allow school districts to irrevocably pledge their Interim School District Capital Expenditure Fund allotments as a constant stream of revenue to secure a debt issued under the foregoing code sections. To allow school districts to make such an irrevocable pledge, the state shall take all action necessary to ensure that the amount of a district's Interim School District Capital Expenditure Fund allotments shall not be reduced below the amount certified by the department or the district's total allotment

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under the Interim Capital Expenditure Fund if fully funded, so long as such debt remains outstanding.

(e) [Repealed]

(f) [Repealed]

(g) The State Board of Education may authorize the school district to expend not more than twenty percent (20%) of its annual allotment of such funds or Twenty Thousand Dollars (\$20,000.00), whichever is greater, for technology needs of the school district, including computers, software, telecommunications, cable television, interactive video, film, low-power television, satellite communications, microwave communications, technology-based equipment installation and maintenance, and the training of staff in the use of such technology-based instruction. Any such technology expenditure shall be reflected in the local district technology plan approved by the State Board of Education under Section 37-151-17, Mississippi Code of 1972.

(h) To the extent a school district has not utilized twenty percent (20%) of its annual allotment for technology purposes under paragraph (g), a school district may expend not more than twenty percent (20%) of its annual allotment or Twenty Thousand Dollars (\$20,000.00), whichever is greater, for instructional purposes. The State Board of Education may authorize a school district to expend more than said twenty percent (20%) of its annual allotment for instructional purposes if it determines that such expenditures are needed for accreditation purposes.

(i) The State Department of Education or the State Board of Education may require that any project commenced under this section with an estimated project cost of not less than Five Million Dollars (\$5,000,000.00) shall be done only pursuant to program management of the process with respect to design and construction. Any individuals, partnerships, companies or other

entities acting as a program manager on behalf of a local school district and performing program management services for projects covered under this subsection shall be approved by the State Department of Education.

Any interest accruing on any unexpended balance in the Interim School District Capital Expenditure Fund shall be invested by the State Treasurer and placed to the credit of each school district participating in such fund in its proportionate share.

The provisions of this subsection (4) shall be cumulative and supplemental to any existing funding programs or other authority conferred upon school districts or school boards.

SECTION 4. (1) Before February 1 of each year, the tax assessor of each county shall file a report or reports with the State Department of Education which provide information essential to the department in determining the amount that each school district shall be required to provide toward the cost of the Adequate Education Program Fund. A separate report must be filed for each school district or part of a school district situated in the county and must include the following information:

(a) The total assessed valuation of nonexempt property for school purposes in the school district;

(b) The assessed value of exempt property owned by homeowners aged sixty-five (65) or older or disabled, as defined in Section 27-33-67(2), in the school district;

(c) The school district's tax loss from exemptions provided to applicants under the age of sixty-five (65) and not disabled, as defined in Section 27-33-67(1); and

(d) The school district's homestead reimbursement revenues.

(2) The State Department of Education shall prepare and make available to the tax assessor of each county a form for the reports required under this section.

SECTION 5. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2798

Description: Minors; community service imposed for tobacco possession.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 533

History of Actions:

- 1 02/20 (S) Referred To Judiciary, Division B
- 2 03/06 (S) Title Suff Do Pass
- 3 03/08 (S) Passed
- 4 03/08 (S) Immediate Release
- 5 03/08 (S) Transmitted To House
- 6 03/13 (H) Referred To Judiciary B
- 7 03/29 (H) Title Suff Do Pass As Amended
- 8 04/05 (H) Amended
- 9 04/05 (H) Passed As Amended
- 10 04/11 (H) Returned For Concurrence
- 11 04/25 (S) Decline to Concur/Invite Conf
- 12 04/27 (S) Conferees Named Bryan,McDaniel,Wiggins
- 13 04/27 (H) Conferees Named Gipson,Lane,Ladner
- 14 04/30 (H) Conference Report Filed
- 15 04/30 (S) Conference Report Filed
- 16 05/01 (H) Conference Report Adopted
- 17 05/02 (S) Conference Report Adopted
- 18 05/07 (S) Enrolled Bill Signed
- 19 05/08 (H) Enrolled Bill Signed
- 20 05/22 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

[H] Amendment No 2 *Adopted*

Amendment Report for Senate Bill No. 2798

Conference Reports:

Conference Report

Code Section: A 097-0032-0009

----- Additional Information -----

Senate Committee: Judiciary, Division B

House Committee: Judiciary B

Principal Author: Hopson

Additional Authors: Jackson (11th)

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Hopson, Jackson (11th)

To: Judiciary, Division B

SENATE BILL NO. 2798
(As Sent to Governor)

AN ACT TO AMEND SECTION 97-32-9, MISSISSIPPI CODE OF 1972, TO PERMIT IMPOSITION OF COMMUNITY SERVICE FOR A MINOR WHO VIOLATES THE YOUTH ACCESS TO TOBACCO ACT IF THE MINOR IS CONCURRENTLY IN VIOLATION OF ANY OTHER LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-32-9, Mississippi Code of 1972, is amended as follows:

97-32-9. No person under eighteen (18) years of age shall purchase any tobacco product. No student of any high school, junior high school or elementary school shall possess tobacco on any educational property as defined in Section 97-37-17.

(a) If a person under eighteen (18) years of age is found by a court to be in violation of any other statute and is also found to be in possession of a tobacco product, the court may order the minor to perform up to three (3) hours of community service, in addition to any other punishment imposed by the court.

(b) A violation under this section is not to be recorded on the criminal history of the minor and, upon proof of satisfaction of the court's order, the record shall be expunged from any records other than youth court records.

SECTION 2. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2825

Description: Memorial highway; designate certain segment of MS Hwy. 15 North in Jasper County as Richard Alexandra "Dickie" Ware Memorial Highway.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 541

History of Actions:

- 1 02/20 (S) Referred To Highways and Transportation
- 2 03/06 (S) Title Suff Do Pass
- 3 03/08 (S) Passed
- 4 03/08 (S) Immediate Release
- 5 03/08 (S) Transmitted To House
- 6 03/13 (H) Referred To Transportation
- 7 03/21 (H) Title Suff Do Pass As Amended
- 8 03/26 (H) Amended
- 9 03/26 (H) Passed As Amended
- 10 03/27 (H) Returned For Concurrence
- 11 04/18 (S) Decline to Concur/Invite Conf
- 12 04/24 (S) Conferees Named Simmons (13th), Hudson, Butler (38th)
- 13 04/25 (H) Conferees Named Johnson, Stringer, Coleman (65th)
- 14 04/25 (H) Conferees Named Johnson, Stringer, Steverson
- 15 04/29 (S) Conference Report Filed
- 16 04/29 (H) Conference Report Filed
- 17 04/30 (H) Conference Report Adopted
- 18 05/02 (S) Conference Report Adopted
- 19 05/07 (S) Enrolled Bill Signed
- 20 05/08 (H) Enrolled Bill Signed
- 21 05/22 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2825

Conference Reports:

Conference Report

----- Additional Information -----

Senate Committee: Highways and Transportation

House Committee: Transportation

Principal Author: Montgomery

Additional Authors: Burton, Chassaniol, Simmons (13th)

2012 GENERAL LAWS OF MISSISSIPPI, SB 2825

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Montgomery, Burton,
Chassaniol, Simmons (13th)

To: Highways and
Transportation

SENATE BILL NO. 2825
(As Sent to Governor)

AN ACT TO DESIGNATE A CERTAIN SEGMENT OF MISSISSIPPI HIGHWAY 15 NORTH IN JASPER COUNTY AS RICHARD ALEXANDRA "DICKIE" WARE MEMORIAL HIGHWAY; TO DESIGNATE A CERTAIN SEGMENT OF U.S. HIGHWAY 61 SOUTH IN ADAMS COUNTY AS THE "SFC SEVERIN WEST SUMMERS III MEMORIAL HIGHWAY"; TO DESIGNATE THAT SEGMENT OF MISSISSIPPI HIGHWAY 6 WITHIN LAFAYETTE COUNTY, MISSISSIPPI, AS THE "MILITARY ORDER OF THE PURPLE HEART HIGHWAY"; TO DESIGNATE AND NAME A CERTAIN SEGMENT OF MISSISSIPPI HIGHWAY 8 IN SUNFLOWER COUNTY AS THE ROBERT L."BOB" CROOK MEMORIAL HIGHWAY; TO DESIGNATE U.S. HIGHWAY 82 AS THE "MISSISSIPPI HERITAGE HIGHWAY"; TO AUTHORIZE MUNICIPALITIES AND COUNTIES TO DESIGNATE HISTORICAL SITES AND EVENTS ALONG THE HIGHWAY; TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION DEPARTMENT TO APPROVE AND ERECT HERITAGE HIGHWAY MARKERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) That segment of Mississippi Highway 15 North in Jasper County beginning at the Mississippi Army National Guard Armory and ending at the northern corporate limits of the City of Bay Springs is designated and shall be known as the Richard Alexandra "Dickie" Ware Memorial Highway.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. (1) That segment of U.S. Highway 61 South in Adams County beginning at its intersection with Kingston Road and extending southerly to its intersection with Hutchins Landing Road, is designated and shall be known as the "SFC Severin West Summers III Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

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SECTION 3. (1) That segment of Mississippi Highway 6 within Lafayette County, Mississippi, shall be known and designated as the "Military Order of the Purple Heart Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the highway.

SECTION 4. (1) That segment of Mississippi Highway 8 in Sunflower County from the city limits of Ruleville, Mississippi, to the east side of the Sunflower River Bridge is designated and shall be known as the Robert L. "Bob" Crook Memorial Highway.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching that segment of Mississippi Highway 8.

SECTION 5. (1) U.S. Highway 82 in the State of Mississippi is designated and shall be known as the "Mississippi Heritage Highway."

(2) The municipalities and counties along the highway shall designate historical sites and events along the Mississippi Heritage Highway to offer to tourists and targeted groups a structured tour of historical sites and events.

(3) The Mississippi Department of Transportation shall purchase appropriate Mississippi Heritage Highway markers from any of its available funds. The texts for the historical markers shall be approved by the department and the department shall erect and maintain the markers.

SECTION 6. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

Senate Bill 2845

Description: Tort Claims Act; clarify statute of limitations.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 513

History of Actions:

- 1 02/20 (S) Referred To Judiciary, Division A
- 2 03/06 (S) Title Suff Do Pass
- 3 03/13 (S) Amended
- 4 03/13 (S) Passed As Amended
- 5 03/15 (S) Transmitted To House
- 6 03/19 (H) Referred To Judiciary A
- 7 03/28 (H) Title Suff Do Pass As Amended
- 8 04/04 (H) Amended
- 9 04/04 (H) Passed As Amended
- 10 04/05 (H) Returned For Concurrence
- 11 04/19 (S) Concurred in Amend From House
- 12 04/25 (S) Enrolled Bill Signed
- 13 04/25 (H) Enrolled Bill Signed
- 14 05/01 Approved by Governor

Amendments:

[S] Amendment No 1 *Adopted*

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2845

Code Section: A 011-0046-0011

----- Additional Information -----

Senate Committee: Judiciary, Division A

House Committee: Judiciary A

Principal Author: Hopson

2012 GENERAL LAWS OF MISSISSIPPI, SB 2845

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Hopson

To: Judiciary, Division A

SENATE BILL NO. 2845
(As Sent to Governor)

AN ACT TO AMEND SECTION 11-46-11, MISSISSIPPI CODE OF 1972, TO CLARIFY BOTH THE STATUTE OF LIMITATIONS UNDER THE TORT CLAIMS ACT AND THE NOTICES THAT ARE REQUIRED TO BE PROVIDED AS TO A CLAIM UNDER THAT ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 11-46-11, Mississippi Code of 1972, is amended as follows:

11-46-11. (1) After all procedures within a governmental entity have been exhausted, any person having a claim * * * under * * * this chapter * * * shall proceed as he might in any action at law or in equity * * *, except that at least ninety (90) days before instituting suit, the person must file a notice of claim with the chief executive officer of the governmental entity.

(2) (a) Service of notice of claim shall be made as follows:

(i) For local governments:

1. If the governmental entity is a county, then upon the chancery clerk of the county sued;

2. If the governmental entity is a municipality, then upon the city clerk.

(ii) If the governmental entity to be sued is a state entity as defined in Section 11-46-1(j), or is a political subdivision other than a county or municipality, service of notice of claim shall be had only upon that entity's or political subdivision's chief executive officer. * * * The chief executive officer of a governmental entity * * * participating in a plan administered by the board pursuant to Section 11-46-7(3) * * *

shall notify the board of any claims filed within five (5) days after * * * receipt thereof.

(b) Every notice of claim * * * shall:

(i) Be in writing; * * *

(ii) Be delivered in person or by registered or certified United States mail; and

(iii) * * * Contain a short and plain statement of the facts upon which the claim is based, including the circumstances which brought about the injury, the extent of the injury, the time and place the injury occurred, the names of all persons known to be involved, the amount of money damages sought, and the residence of the person making the claim at the time of the injury and at the time of filing the notice.

(3) (a) All actions brought under * * * this chapter shall be commenced within one (1) year next after the date of the tortious, wrongful or otherwise actionable conduct on which the liability phase of the action is based, and not after * * *, except that * * * filing * * * a notice of claim within the required one-year period will toll the statute of limitations for * * * ninety-five (95) days from the date the chief executive officer of the state entity or * * * the chief executive officer or other statutorily designated official of a * * * political subdivision receives the notice of claim.

(b) * * * No action whatsoever may be maintained by the claimant until the claimant receives a notice of denial of claim or the tolling period expires, whichever comes first, after which the claimant has an additional ninety (90) days to file suit * * *; failure to file within the time allowed is an absolute bar to any further proceedings under this chapter.

(c) All notices of denial of claim shall be served by governmental entities upon claimants by certified mail, return receipt requested, only.

(d) (i) To determine the running of limitations periods under this chapter, service of any notice of claim or notice of denial of claim is effective upon delivery by the methods statutorily designated in this chapter.

(ii) The limitations period provided in this section controls and shall be exclusive in all actions subject to and brought under the provisions of this chapter, notwithstanding the nature of the claim, the label or other characterization the claimant may use to describe it, or the provisions of any other statute of limitations that would otherwise govern the type of claim or legal theory if it were not subject to or brought under the provisions of this chapter.

(4) From and after April 1, 1993, if any person entitled to bring any action under this chapter shall, at the time at which the cause of action accrued, be under the disability of infancy or unsoundness of mind, he may bring the action within the time allowed in this section after his disability shall be removed as provided by law. The savings in favor of persons under disability of unsoundness of mind shall never extend longer than twenty-one (21) years.

SECTION 2. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2854

Description: Advance health-care directives; MDOC may offer such forms to inmates and may act as guardian for certain inmates.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 529

History of Actions:

- 1 02/20 (S) Referred To Corrections;Judiciary, Division A
- 2 03/01 (S) DR - TSDPCS: CR To JA
- 3 03/06 (S) Title Suff Do Pass Comm Sub
- 4 03/08 (S) Committee Substitute Adopted
- 5 03/08 (S) Passed
- 6 03/08 (S) Immediate Release
- 7 03/09 (S) Transmitted To House
- 8 03/19 (H) Referred To Corrections;Judiciary B
- 9 03/22 (H) DR - TSDPAA: CN To JB
- 10 03/29 (H) DR - TSDPAA: JB To CN
- 11 03/29 (H) Title Suff Do Pass As Amended
- 12 04/05 (H) Tabled Subject To Call
- 13 04/10 (H) Amended
- 14 04/10 (H) Passed As Amended
- 15 04/11 (H) Returned For Concurrence
- 16 04/18 (S) Decline to Concur/Invite Conf
- 17 04/24 (S) Conferees Named Jackson (32nd),Hopson,Simmons (13th)
- 18 04/27 (H) Conferees Named DeBar,Whittington,Monsour
- 19 04/29 (S) Conference Report Filed
- 20 04/29 (H) Conference Report Filed
- 21 04/30 (H) Conference Report Adopted
- 22 05/02 (S) Conference Report Adopted
- 23 05/07 (S) Enrolled Bill Signed
- 24 05/08 (H) Enrolled Bill Signed
- 25 05/17 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2854

Conference Reports:

Conference Report

Code Section: A 093-0013-0135

----- Additional Information -----

Senate Committee: Corrections, Judiciary, Division A

House Committee: Corrections, Judiciary B

Principal Author: Jackson (32nd)

Additional Authors: Jackson (11th)

2012 GENERAL LAWS OF MISSISSIPPI, SB 2854

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Jackson (32nd), Jackson
(11th)

To: Corrections; Judiciary,
Division A

SENATE BILL NO. 2854
(As Sent to Governor)

AN ACT TO AUTHORIZE THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS TO OBTAIN JUDICIAL APPROVAL TO MAKE HEALTH-CARE DECISIONS FOR AN OFFENDER WHO LACKS THE CAPACITY TO MAKE SUCH DECISIONS AND WHO DOES NOT HAVE A RELATIVE AVAILABLE TO MAKE SUCH DECISIONS; TO AUTHORIZE THE DEPARTMENT TO PROVIDE AN OFFENDER WITH THE FORMS NECESSARY TO EXECUTE AN ADVANCE HEALTH-CARE DIRECTIVE; TO AMEND SECTION 93-13-135, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE CHANCERY COURT OF THE COUNTY OF RESIDENCE OF AN OFFENDER TO APPOINT A GUARDIAN TO MAKE HEALTH-CARE DECISIONS FOR THE OFFENDER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The following words and phrases that are used in this section are defined in Section 41-41-203: advance health-care directive, agent, capacity, guardian, health-care decision, individual instruction, person, power of attorney for health care and surrogate.

(2) For an offender who is a resident of Mississippi, the department may petition the chancery court of the county of residence of the offender to appoint the commissioner as guardian for an offender who lacks the capacity to make a health-care decision and who does not have a relative or other person available to make the decision.

(3) The department may, consistent with Sections 41-41-201 through 41-41-229, provide an offender with the forms necessary to execute an advance health-care directive.

(4) The department shall place an original or copy of the directive in the offender's medical record, attach the directive to the offender's commitment report and provide a copy of the directive to case management.

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(5) If a department physician determines that an offender's life expectancy is less than one (1) year or that the offender is to undergo certain medical procedures to be determined by the department medical director, the department shall provide the offender with the opportunity to alter or execute a written advance health-care directive.

(6) When the department provides an offender with the forms necessary to execute an advance health-care directive, Sections 41-41-201 through 41-41-229 and the following provisions apply:

(a) Absent a court order to the contrary, an offender in the department's custody shall not act as the agent, guardian or surrogate for the offender executing an advance health-care directive. But the principal offender may designate another offender as the agent, guardian or surrogate without judicial approval if the offenders are related by blood, marriage or adoption.

(b) Absent a court order to the contrary, a department employee shall not act as the agent, guardian or surrogate for the offender executing an advance health-care directive. But the principal offender may designate a department employee as the agent, guardian or surrogate without judicial approval if the offender and the employee are related by blood, marriage or adoption.

(c) In addition to the restrictions in Section 41-41-205, neither an offender in the department's custody nor a department employee shall be used as a witness for a power of attorney for health care that an offender executes while in the department's custody.

SECTION 2. Section 93-13-135, Mississippi Code of 1972, is amended as follows:

93-13-135. (1) When any offender shall be sentenced to the Penitentiary for a year or longer, the chancery court of the county of his residence, or where any of his property may be, may

appoint a guardian, who shall take charge of the real and personal estate of the offender. The guardianship shall cease when the term of imprisonment shall expire or the offender dies; and so much of the estate of the offender as may be then in the hands of his guardian, shall be restored to him, or his legal representatives in case of his death, the guardian having such reasonable allowance therefrom for his services as the court may deem proper.

(2) A chancery court of the county of residence of an offender who is a resident of Mississippi may appoint a guardian to make health-care decisions for the offender. Process shall be served as provided in Section 93-13-281, unless joined in by that person or those persons prescribed in that section. The health-care guardianship shall cease when the offender's term of imprisonment expires or the offender dies. A guardian appointed under this subsection shall make and file annual accounts of the health-care decisions made on behalf of the offender.

SECTION 3. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2897

Description: Mississippi S.A.F.E. Mortgage Act; revise various licensing provisions and extend repeal date.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2012

Chapter Number: 571

History of Actions:

- 1 02/20 (S) Referred To Business and Financial Institutions
- 2 03/05 (S) Title Suff Do Pass Comm Sub
- 3 03/08 (S) Committee Substitute Adopted
- 4 03/08 (S) Passed
- 5 03/08 (S) Immediate Release
- 6 03/09 (S) Transmitted To House
- 7 03/19 (H) Referred To Banking and Financial Services
- 8 03/27 (H) Title Suff Do Pass As Amended
- 9 04/04 (H) Amended
- 10 04/04 (H) Passed As Amended
- 11 04/05 (H) Returned For Concurrence
- 12 04/10 (S) Decline to Concur/Invite Conf
- 13 04/24 (S) Conferees Named Jackson (15th), Wilemon, Harkins
- 14 04/25 (H) Conferees Named Zuber, Guice, Hood
- 15 04/27 (S) Conference Report Filed
- 16 04/27 (H) Conference Report Filed
- 17 04/29 (H) Conference Report Adopted
- 18 04/29 (S) Conference Report Adopted
- 19 05/07 (S) Enrolled Bill Signed
- 20 05/08 (H) Enrolled Bill Signed
- 21 05/23 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

[H] Amendment No 1 to Committee Amendment No 1 *Lost*

Amendment Report for Senate Bill No. 2897

Conference Reports:

Conference Report

Code Section: R 081-0018-0001, RA 081-0018-0003, RA 081-0018-0005,
R 081-0018-0007, RA 081-0018-0009, RA 081-0018-0011, RA 081-0018-0013,
R 081-0018-0014, R 081-0018-0015, RA 081-0018-0017, RA 081-0018-0019,

R 081-0018-0021, R 081-0018-0023, RA 081-0018-0025, R 081-0018-0027,
R 081-0018-0028, R 081-0018-0029, R 081-0018-0031, R 081-0018-0033,
RA 081-0018-0035, R 081-0018-0036, R 081-0018-0037, RA 081-0018-0039,
R 081-0018-0040, R 081-0018-0041, R 081-0018-0043, A 081-0018-0051,
RA 081-0018-0053, R 081-0018-0061, R 081-0018-0063

----- Additional Information -----

Senate Committee: Business and Financial Institutions

House Committee: Banking and Financial Services

Principal Author: Jackson (15th)

2012 GENERAL LAWS OF MISSISSIPPI, SB 2897

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Jackson (15th)

To: Business and Financial
Institutions

SENATE BILL NO. 2897
(As Sent to Governor)

AN ACT TO REENACT SECTIONS 81-18-1 THROUGH 81-18-63, MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI S.A.F.E. MORTGAGE ACT; TO AMEND REENACTED SECTION 81-18-3, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM "HOUSING FINANCE AGENCY" AS USED IN THE MISSISSIPPI S.A.F.E. MORTGAGE ACT; TO AMEND REENACTED SECTION 81-18-5, MISSISSIPPI CODE OF 1972, TO REVISE THE EXEMPTIONS FROM THE ACT; TO AMEND REENACTED SECTION 81-18-9, MISSISSIPPI CODE OF 1972, TO REVISE THE APPLICATION REQUIREMENTS FOR LICENSURE; TO AMEND REENACTED SECTION 81-18-11, MISSISSIPPI CODE OF 1972, TO CLARIFY THE SURETY BOND REQUIREMENT FOR MORTGAGE LOAN ORIGINATORS; TO AMEND REENACTED SECTION 81-18-13, MISSISSIPPI CODE OF 1972, TO CLARIFY THE DEPARTMENT'S AUTHORITY TO ISSUE A LICENSE WHEN AN APPLICANT OR PERSON CONVICTED OF A CRIME HAS RECEIVED AN EXPUNGEMENT OF THE CRIME; TO AMEND REENACTED SECTIONS 81-18-17 AND 81-18-25, MISSISSIPPI CODE OF 1972, TO REVISE THE SIGNAGE REQUIREMENTS FOR EACH PRINCIPAL PLACE OF BUSINESS AND BRANCH OFFICE; TO AMEND REENACTED SECTION 81-18-19, MISSISSIPPI CODE OF 1972, TO CORRECT A TYPOGRAPHICAL ERROR; TO AMEND REENACTED SECTION 81-18-35, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT EACH LICENSEE SHALL INCLUDE THE DATE OF LOAN CLOSING IN HIS JOURNAL OF MORTGAGE TRANSACTIONS; TO AMEND REENACTED SECTION 81-18-39, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND REENACTED SECTION 81-18-51, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THE ACT; TO AMEND REENACTED SECTION 81-18-53, MISSISSIPPI CODE OF 1972, TO REMOVE THE CLARIFYING LANGUAGE REGARDING THE APPLICABILITY OF THE CHAPTER TO ACTIVITIES OF OWNER FINANCING; TO CREATE A NEW SECTION TO PROVIDE SERVICING REQUIREMENTS FOR MORTGAGE LENDERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 81-18-1, Mississippi Code of 1972, is reenacted as follows:

81-18-1. This chapter shall be known and cited as the "Mississippi S.A.F.E. Mortgage Act."

SECTION 2. Section 81-18-3, Mississippi Code of 1972, is reenacted and amended as follows:

81-18-3. For purposes of this chapter, the following terms shall have the following meanings:

(a) "Application" means the submission of a borrower's financial information in anticipation of a credit decision, whether written or computer-generated. If the submission does not state or identify a specific property, the submission is an application for a prequalification and not an application for a federally related mortgage loan. The subsequent addition of an identified property to the submission converts the submission to an application for a federally related mortgage loan.

(b) "Borrower" means a person who submits an application for a residential mortgage loan.

(c) "Branch" means a location of a company in or outside of the state that conducts business as a mortgage broker or mortgage lender. A location shall be considered a branch regarding mortgage broker or mortgage lender activities in any of the following:

(i) If the location is used on any type of advertisement;

(ii) If any type of record, loan file or application of the company is located at the location, with the exception of unstaffed storage facilities; or

(iii) If the activities of a mortgage loan originator occur at the location.

(d) "Commissioner" means the Commissioner of the Mississippi Department of Banking and Consumer Finance.

(e) "Commitment" means a statement by a lender required to be licensed under this chapter that sets forth the terms and conditions upon which the lender is willing to make a particular mortgage loan to a particular borrower.

(f) "Company" means a licensed mortgage broker or mortgage lender under this chapter.

(g) "Control" means the direct or indirect possession of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting

securities, by contract or otherwise, and shall include "controlling," "controlled by," and "under common control with."

(h) "Department" means the Department of Banking and Consumer Finance of the State of Mississippi.

(i) "Depository institution" has the same meaning as in Section 3 of the Federal Deposit Insurance Act, and includes any credit union.

(j) "Executive officer" means the chief executive officer, the president, the principal financial officer, the principal operating officer, each vice president with responsibility involving policy-making functions for a significant aspect of a person's business, the secretary, the treasurer, or any other person performing similar managerial or supervisory functions with respect to any organization whether incorporated or unincorporated.

(k) "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(l) "Housing finance agency" means any authority that is chartered by a state to help meet the affordable housing needs of the residents of the state, is supervised directly or indirectly by the state government, is subject to audit and review by the state in which it operates, and whose activities make it eligible to be a member of the National Council of State Housing Agencies.

(m) "Immediate family member" means a spouse, child, sibling, parent, grandparent or grandchild. This term includes stepparents, stepchildren, stepsiblings and adoptive relationships.

(n) "Individual" means a "natural person."

(o) "License" means a license to act as a mortgage broker or mortgage lender issued by the department under this chapter.

(p) "Licensee" means a person who is required to be licensed as a mortgage broker or mortgage lender under this chapter.

(q) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee at the direction of and subject to the supervision and instruction of a person licensed or exempt from licensing under this chapter.

For the purposes of this paragraph (q), the term "clerical or support duties" may include, after the receipt of an application:

(i) The receipt, collection, distribution and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(ii) Communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that the communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

An individual engaging solely in loan processor or underwriter activities, shall not represent to the public, through advertising or other means of communicating or providing information including the use of business cards, stationery, brochures, signs, rate lists or other promotional items, that the individual can or will perform any of the activities of a mortgage loan originator.

(r) "Lock-in agreement" means a written agreement stating the terms of the lock-in fee.

(s) "Lock-in fee" means a fee collected by a licensee to be paid to a lender to guarantee an interest rate or a certain number of points on a mortgage loan from the lender.

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(t) "Make a mortgage loan" means to advance funds, offer to advance funds or make a commitment to advance funds to a borrower.

(u) "Misrepresent" means to make a false statement of a substantive fact or to engage in, with intent to deceive or mislead, any conduct that leads to a false belief that is material to the transaction.

(v) "Mortgage broker" means any person who directly or indirectly or by electronic activity solicits, places or negotiates residential mortgage loans for others, or offers to solicit, place or negotiate residential mortgage loans for others that does not close residential mortgage loans in the company name, does not use its own funds, or who closes residential mortgage loans in the name of the company, and sells, assigns or transfers the loan to others within forty-eight (48) hours of the closing.

(w) "Mortgage lender" means any person who directly or indirectly or by electronic activity originates, makes, funds or purchases or offers to originate, make, or fund or purchase a residential mortgage loan or who services residential mortgage loans.

(x) "Mortgage lending process" means the process through which a person seeks or obtains a mortgage loan, including, but not limited to, solicitation, application, origination, negotiation of terms, third-party provider services, underwriting, signing and closing, and funding of the loan. Documents involved in the mortgage lending process include, but are not limited to, uniform residential loan applications or other loan applications, appraisal reports, HUD-1 Settlement Statements, supporting personal documentation for loan applications such as W-2 forms, verifications of income and employment, bank statements, tax returns, payroll stubs and any required disclosures.

(y) "Mortgage loan originator" means an individual who:

(i) * * * Takes a residential mortgage loan application; and

(ii) Offers or negotiates terms of a residential mortgage loan for compensation or gain. The term "mortgage loan originator" does not include:

(i) An individual engaged solely as a loan processor or underwriter except as otherwise provided in this chapter;

(ii) A person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with Mississippi law, unless the person or entity is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator; and

(iii) A person or entity solely involved in extensions of credit relating to time-share plans, as that term is defined in Title 11 USCS, Section 101(53D).

(z) "Nationwide Mortgage Licensing System and Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of licensed mortgage loan originators.

(aa) "Natural person" means a human being, as distinguished from an artificial person created by law.

(bb) "Nontraditional mortgage product" means any mortgage product other than a thirty-year fixed rate mortgage.

(cc) "Offering or negotiating a residential mortgage loan" means:

(i) Presenting particular mortgage loan terms for consideration by a borrower; or

(ii) Communicating directly or indirectly with a borrower for purposes of reaching a mutual understanding about prospective loan terms; * * *

"Offering or negotiating" does not include the following: the mere sharing of general information about a financing source; discussing hypothetical financing options, i.e., options not related to specific financing source; giving the homebuyer a list of available financing sources; discussing a buyer's ability to afford a home; presenting or discussing generic facts or generic rate sheets; closing personal property transactions.

(dd) "Person" means a natural person, sole proprietorship, corporation, company, limited liability company, partnership or association.

(ee) "Principal" means a person who, directly or indirectly, owns or controls an ownership interest of ten percent (10%) or more in a corporation or any other form of business organization, regardless of whether the person owns or controls the ownership interest through one or more persons or one or more proxies, powers of attorney, nominees, corporations, associations, limited liability companies, partnerships, trusts, joint-stock companies, other entities or devises, or any combination thereof.

(ff) "Qualifying individual" means an owner or employee of a mortgage broker or mortgage lender who submits documentation of two (2) years' experience directly related to mortgage lending, who is licensed as a loan originator as defined in this chapter, and who resides within one hundred twenty-five (125) miles of the licensed principal place of business of the company. This individual will also be designated as the qualifying individual in the Nationwide Mortgage Licensing System and Registry.

(gg) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including:

(i) Acting as a real estate agent or real estate broker for a buyer, seller, lessor or lessee of real property;

(ii) Bringing together parties interested in the sale, purchase, lease, rental or exchange of real property;

(iii) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental or exchange of real property (other than in connection with providing financing with respect to any such transaction);

(iv) Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(v) Offering to engage in any activity, or act in any capacity, described in subparagraph (i), (ii), (iii) or (iv) of this paragraph (gg).

(hh) "Records" or "documents" means any item in hard copy or produced in a format of storage commonly described as electronic, imaged, magnetic, microphotographic or otherwise, and any reproduction so made shall have the same force and effect as the original thereof and be admitted in evidence equally with the original.

(ii) "Registered mortgage loan originator" means any individual who:

(i) Meets the definition of mortgage loan originator and is an employee of a depository institution, a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency or an institution regulated by the Farm Credit Administration; and

(ii) Is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(jj) "Residential mortgage loan" means any loan primarily for personal, family or household use that is secured by

a mortgage, deed of trust or other equivalent consensual security interest on a dwelling (as defined in Section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(kk) "Residential real estate" means any real property located in Mississippi upon which is constructed or intended to be constructed a dwelling.

(ll) "Service a mortgage loan" means the collection or remittance for another, the right to collect or remit for another, or the collection of the company's own loan portfolio, whether or not the company originated, funded or purchased the loan in the secondary market, of payments of principal and interest, trust items such as insurance and taxes, and any other payments pursuant to a mortgage loan.

(mm) "Taking an application for a residential mortgage loan" means taking an application for a residential mortgage loan means a receipt of an application for the purpose of deciding whether or not to extend the requested offer of a loan to the borrower whether the application is received directly or indirectly from the borrower. However, an individual whose only role with respect to the application is physically handling a completed application form or transmitting a completed form to a lender on behalf of a prospective borrower does not take an application.

(nn) "Unique identifier" means a number or other identifier assigned by protocols established by the Nationwide Mortgage Licensing System and Registry.

SECTION 3. Section 81-18-5, Mississippi Code of 1972, is reenacted and amended as follows:

81-18-5. The following are exempt from the provisions of this chapter:

(a) Registered mortgage loan originators, when acting for an entity described in Section 81-18-3(ii).

(b) Any person who offers or negotiates terms of a residential mortgage loan with or on behalf of an immediate family member of the individual.

(c) Any person, estate or trust who owner finances in one (1) calendar year no more than ten (10) residential mortgage loans or no more than twenty percent (20%) of his total residential units sold, whichever is greater.

(d) A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of the lender, mortgage broker, or other mortgage loan originator.

(e) A depository institution, or a subsidiary that is owned and controlled by a depository institution, or an institution regulated by the Farm Credit Administration.

(f) Any mortgage lender who holds a valid license under the provisions of the Small Loan Regulatory Law, Section 75-67-101 et seq., and the Small Loan Privilege Tax Law, Section 75-67-201 et seq., and whose mortgage lending activities are limited solely to the servicing of mortgage loans that were in such mortgage lender's own loan portfolio as of December 31, 2009. For the purposes of the exemption in this paragraph (f), "servicing of mortgage loans" shall mean and include the collection of payments of principal and interest, insurance premiums, taxes and other payments required under such mortgage loans, and shall also include activities related to the collection of such payments such as collection calls whether by phone, mail, electronic means or in person, and enforcement remedies permitted by law or at equity. In no event shall the term "servicing of mortgage loans" include the renewal or reworking of the mortgage. If a mortgage loan is

renewed or reworked, the lender shall be required to obtain a mortgage license in order to continue any mortgage activity described in this chapter.

(g) Any bona fide nonprofit organization and its employees who demonstrate to the satisfaction of the commissioner through the periodic examination of the books and activities of the organization as required in Section 81-18-21, Mississippi Code of 1972, that they continually meet the following requirements, at a minimum:

(i) Maintains tax-exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986;

(ii) Promotes affordable housing or provides homeownership education, or similar services;

(iii) Conducts its activities in a manner that serves public or charitable purposes;

(iv) Receives funding and revenue and charges fees in a manner that does not incentivize the organization or its employees to act other than in the best interests of its clients;

(v) Compensates employees in a manner that does not incentivize employees to act other than in the best interests of its client; and

(vi) Provides to or identifies for the borrower residential mortgage loans with terms that are favorable to the borrower and comparable to mortgage loans and housing assistance provided under government housing assistance programs.

(h) Any person who is an employee of a government agency or housing finance agency who acts as a mortgage loan originator in accordance with his duties as an employee of such agency.

(i) Any person who performs clerical or support duties at the direction of and subject to the supervision and instruction of a state-licensed loan originator or a registered loan

originator. For purposes of this paragraph (i), the term "clerical or support duties" may include:

(i) The receipt, collection, distribution and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(ii) Communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

SECTION 4. Section 81-18-7, Mississippi Code of 1972, is reenacted as follows:

81-18-7. (1) No person shall transact business in this state, directly or indirectly, as a mortgage broker or mortgage lender unless he or she is licensed by the department or is a person exempted from the licensing requirements under Section 81-18-5.

(2) A violation of this section does not affect the obligation of the borrower under the terms of the mortgage loan. The department shall publish and provide for distribution of information regarding approved or revoked licenses.

(3) Every person who directly or indirectly controls a person who violates this section, including a general partner, executive officer, joint venturer, contractor, or director of the person, violates this section to the same extent as the person, unless the person whose violation arises under this subsection shows by a preponderance of evidence the burden of proof that he or she did not know and, in the exercise of reasonable care, could not have known of the existence of the facts by reason of which the original violation is alleged to exist.

(4) An individual, unless specifically exempted from this chapter under Section 81-18-5, shall not engage in the business of a mortgage loan originator with respect to any dwelling located in

this state without first obtaining and maintaining annually a license under this chapter. Each licensed mortgage loan originator must register with and maintain a valid unique identifier issued by the Nationwide Mortgage Licensing System and Registry.

(5) In order to facilitate an orderly transition to licensing and minimize disruption in the mortgage marketplace, the effective date of subsection (4) of this section shall be as follows:

(a) For all individuals other than individuals described in paragraph (b), the effective date shall be July 31, 2010, or such later date approved by the Secretary of the United States Department of Housing and Urban Development, under the authority granted under Public Law 110-289, Section 1508(a).

(b) For all individuals licensed as mortgage loan originators as of July 31, 2009, the effective date shall be January 1, 2011, or such later date approved by the Secretary of the United States Department of Housing and Urban Development, under the authority granted under Public Law 110-289, Section 1508(a).

(6) For the purposes of implementing an orderly and efficient licensing process, the commissioner may establish licensing rules or regulations and interim procedures for licensing and acceptance of applications. For previously registered or licensed individuals, the commissioner may establish expedited review and licensing procedures.

SECTION 5. Section 81-18-9, Mississippi Code of 1972, is reenacted and amended as follows:

81-18-9. (1) Applicants for a license shall apply in a form as prescribed by the commissioner. Each such form shall contain content as set forth by rule, regulation, instruction or procedure of the commissioner and may be changed or updated as necessary by

the commissioner in order to carry out the purposes of this chapter.

(2) The mortgage broker and mortgage lender application through the Nationwide Mortgage Licensing System and Registry shall include, but is not limited to, the following:

(a) The legal name, residence and business address of the applicant and, if applicable, the legal name, residence and business address of every principal and executive officer, together with the résumé of the applicant and of every principal and executive officer of the applicant. In addition, an independent credit report obtained from a consumer reporting agency described in Section 603(p) of the Fair Credit Reporting Act and information related to any administrative, civil or criminal findings by any governmental jurisdiction of every principal and executive officer.

(b) The legal name of the mortgage broker or mortgage lender in addition to the name under which the applicant will conduct business in the state, neither of which may be already assigned to a licensed mortgage broker or mortgage lender.

(c) The complete address of the applicant's principal place of business, branch office(s) and any other locations at which the applicant will engage in any business activity covered by this chapter.

(d) A copy of the certificate of incorporation, if a Mississippi corporation.

(e) Documentation satisfactory to the department as to a certificate of existence of authority to transact business lawfully in Mississippi from the Mississippi Secretary of State's office, if a limited liability company, partnership, trust or any other group of persons, however organized. This paragraph does not pertain to applicants organized as an individual or as a sole proprietorship.

(f) If a foreign entity, a copy of a certificate of authority to conduct business in Mississippi and the address of the principal place of business of the foreign entity.

(g) Documentation of a minimum of two (2) years' experience directly in mortgage lending by a person named as the qualifying individual of the company. This experience shall have been within the previous four (4) years from the date of application. * * * The qualifying individual shall also be licensed as a loan originator with the department, shall be employed at the main office address of the applicant and shall reside within one hundred twenty-five (125) miles of the main office address of the applicant. Evidence of experience shall include, where applicable:

(i) Copies of business licenses issued by governmental agencies.

(ii) Written letters of employment history of the person filing the application for at least two (2) years before the date of the filing of an application including, but not limited to, job descriptions, length of employment, names, addresses and phone numbers for past employers.

(iii) A listing of wholesale lenders with whom the applicant has done business with in the past two (2) years either directly as a mortgage broker or loan originator.

(iv) Any other data and pertinent information as the department may require with respect to the applicant, its directors, principals, trustees, officers, members, contractors or agents. A résumé alone shall not be sufficient proof of employment history.

(3) The application shall be filed on the Nationwide Mortgage Licensing System and Registry together with the following:

(a) The license fee specified in Section 81-18-15;

(b) An original or certified copy of a surety bond in favor of the State of Mississippi for the use, benefit and indemnity of any person who suffers any damage or loss as a result of the company's breach of contract or of any obligation arising therefrom or any violation of law; and

(c) * * * A set of fingerprints from any local law enforcement agency from the following applicants:

(i) All persons operating as a sole proprietorship that plan to conduct a mortgage brokering or lending business in the State of Mississippi;

(ii) Partners in a partnership or principal owners of a limited liability company that own at least ten percent (10%) of the voting shares of the company;

(iii) Any shareholders owning ten percent (10%) or more of the outstanding shares of the corporation;

(iv) All executive officers of the applicant;

(v) All loan originators; and

(vi) The named qualifying individual of the company as required in Section 81-18-9(2)(g). The applicant shall name only one (1) individual as the qualifying individual for the State of Mississippi.

(4) Applicants for a mortgage loan originator license shall apply in a form as prescribed by the commissioner. Each such form shall contain content as set forth by rules, regulations, instructions or procedures of the commissioner and may be changed or updated as necessary by the commissioner in order to carry out the purposes of this chapter. The initial license of a mortgage loan originator shall be accompanied by a fee of One Hundred Dollars (\$100.00) to be paid to the Nationwide Mortgage Licensing System and Registry and any additional fees as required by the Nationwide Mortgage Licensing System and Registry. The commissioner shall not issue a mortgage loan originator license unless the commissioner makes at a minimum the following findings:

(a) The applicant has never had a mortgage loan originator license revoked in any governmental jurisdiction, except that a later formal vacation of that revocation shall not be deemed a revocation.

(b) The applicant has not been convicted of, or pled guilty or nolo contendere to, (i) a felony in a domestic, foreign or military court during the seven-year period preceding the date of application for licensing and registration; or (ii) a crime that, if committed within this state, would constitute a felony under the laws of this state; or (iii) a misdemeanor of fraud, theft, forgery, bribery, embezzlement or making a fraudulent or false statement in any jurisdiction. All of this is provided that any pardon or expungement of a conviction shall not be a conviction for purposes of this subsection.

(c) The applicant has demonstrated financial responsibility, character and general fitness such as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly and efficiently within the purposes of this chapter.

(d) The applicant has completed the prelicensing education requirement described in Section 81-18-14(1).

(e) The applicant has passed a written test that meets the test requirement described in Section 81-18-14(7).

(f) The applicant has met the surety bond requirement as provided in Section 81-18-11.

(g) This individual must work for a Mississippi licensed company and work from the location licensed with the department. The licensed location that he or she is assigned to must be within one hundred twenty-five (125) miles of his or her residency. If the licensed loan originator resides and works in Mississippi, then he or she may work from any licensed location of the licensed company within the State of Mississippi. However, an owner of a minimum of ten percent (10%) of a licensed company or

the named qualifying individual on file with the department, who is a licensed loan originator with the department, may work from any licensed location of the licensed company within the State of Mississippi in the capacity of a loan originator as described in this chapter.

(5) The loan originator shall display the current, original license issued by the department in the licensed office in which he or she is assigned.

(6) In order to fulfill the purposes of this chapter, the commissioner is authorized to establish relationships or contracts with the Nationwide Mortgage Licensing System and Registry or other entities designated by the Nationwide Mortgage Licensing System and Registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this chapter.

(7) In connection with an application for licensing as a mortgage loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's identity, including:

(a) Fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive that information for a state, national and international criminal history background check; and

(b) Personal history and experience in a form prescribed by the Nationwide Mortgage Licensing System and Registry, including the submission of authorization for the Nationwide Mortgage Licensing System and Registry and the commissioner to obtain:

(i) An independent credit report obtained from a consumer reporting agency described in Section 603(p) of the Fair Credit Reporting Act; and

(ii) Information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(8) For the purposes of this section and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection (7)(a) and (b)(ii) of this section, the commissioner may use the Nationwide Mortgage Licensing System and Registry as a channeling agent for requesting information from and distributing information to the Department of Justice or any governmental agency.

(9) For the purposes of this section and in order to reduce the points of contact which the commissioner may have to maintain for purposes of subsection (7)(b)(i) and (ii) of this section, the commissioner may use the Nationwide Mortgage Licensing System and Registry as a channeling agent for requesting and distributing information to and from any source so directed by the commissioner.

SECTION 6. Section 81-18-11, Mississippi Code of 1972, is reenacted and amended as follows:

81-18-11. (1) Each mortgage loan originator shall be covered by a surety bond in accordance with this section. If the mortgage loan originator is an employee or exclusive agent of a person subject to this chapter, the surety bond of the person who is subject to this chapter may be used in lieu of the mortgage loan originator's surety bond requirement.

(2) The surety bond shall be in a form as prescribed by the commissioner, and shall provide coverage for each mortgage loan originator in an amount as prescribed in subsection (3) of this section.

(3) The penal sum of the surety bond shall be maintained in an amount * * * as determined by the commissioner by rule or regulation and shall be based upon loan activity during the previous year, but shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for a mortgage broker or One Hundred Fifty Thousand Dollars (\$150,000.00) for a mortgage lender. For an initial applicant, the bond amount shall be set at Twenty-five Thousand

Dollars (\$25,000.00) for a mortgage broker and One Hundred Fifty Thousand Dollars (\$150,000.00) for a mortgage lender.

(4) When an action is commenced on a licensee's bond, the commissioner may require the filing of a new bond. Immediately upon recovery upon any action on the bond, the licensee shall file a new bond.

(5) All surety bonds shall be in favor, first, of the State of Mississippi for the use, benefit and indemnity of any person who suffers any damage or loss as a result of the company's breach of contract or of any obligation arising from the contract or any violation of law, and, second, for the payment of any civil penalties, criminal fines, or costs of investigation and/or prosecution incurred by the State of Mississippi, including local law enforcement agencies.

(6) The commissioner may promulgate rules or regulations with respect to the requirements for the surety bonds as are necessary to accomplish the purposes of this chapter.

SECTION 7. Section 81-18-13, Mississippi Code of 1972, is reenacted and amended as follows:

81-18-13. (1) In order to fulfill the purposes of this chapter, the commissioner is authorized to establish relationships or contracts with the Nationwide Mortgage Licensing System and Registry or other entities designated by the Nationwide Mortgage Licensing System and Registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this chapter.

(2) In connection with an application for licensing as a mortgage broker or lender under this chapter, the required stockholders, owners, directors and executive officers of the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the individual's identity, including:

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(a) Fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive that information for a state, national and international criminal history background check; and

(b) Personal history and experience in a form prescribed by the Nationwide Mortgage Licensing System and Registry, including the submission of authorization for the Nationwide Mortgage Licensing System and Registry and the commissioner to obtain:

(i) An independent credit report obtained from a consumer reporting agency described in Section 603(p) of the Fair Credit Reporting Act; and

(ii) Information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(3) For the purposes of this section and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection (2)(a) and (b)(ii) of this section, the commissioner may use the Nationwide Mortgage Licensing System and Registry as a channeling agent for requesting information from and distributing information to the Department of Justice or any governmental agency.

(4) For the purposes of this section and in order to reduce the points of contact which the commissioner may have to maintain for purposes of subsection (2)(b)(i) and (ii) of this section, the commissioner may use the Nationwide Mortgage Licensing System and Registry as a channeling agent for requesting and distributing information to and from any source so directed by the commissioner.

(5) Upon receipt of an application for licensure, which shall include the required set of fingerprints from any local law enforcement agency, the department or designated third party shall conduct such an investigation as it deems necessary to determine that the applicant and its officers, directors and principals are

of good character and ethical reputation; that the applicant demonstrates reasonable financial responsibility; and that the applicant has reasonable policies and procedures to receive and process customer grievances and inquiries promptly and fairly.

(6) The department shall not license an applicant unless it is satisfied that the applicant will operate its mortgage activities in compliance with the laws, rules and regulations of this state and the United States.

(7) The department shall not license any mortgage broker or mortgage lender unless the applicant meets the requirements of Section 81-18-11.

(8) The department shall not issue a license if it finds that the applicant, or any person who is a director, executive officer, partner or qualifying individual of the applicant, has been convicted of: (a) a felony in any jurisdiction; or (b) a crime that, if committed within this state, would constitute a felony under the laws of this state; or (c) a misdemeanor of fraud, theft, forgery, bribery, embezzlement or making a fraudulent or false statement in any jurisdiction. For the purposes of this chapter, a person shall be deemed to have been convicted of a crime if the person has pleaded guilty to a crime before a court or federal magistrate, or plea of nolo contendere, or has been found guilty of a crime by the decision or judgment of a court or federal magistrate or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension of a sentence, unless the person convicted of the crime has received a pardon from the President of the United States or the Governor or other pardoning authority in the jurisdiction where the conviction was obtained or has received an expungement of the conviction.

(9) The department shall deny a license if it finds that the applicant has had a mortgage loan originator license revoked in

any governmental jurisdiction, except that a subsequent formal vacation of that revocation shall not be deemed a revocation.

(10) Within thirty (30) days after receipt of a completed application, final verification from the Department of Public Safety and/or FBI, and payment of licensing fees prescribed by this chapter, the department shall either grant or deny the request for license. However, if the Federal Financial Institutions Examination Council (FFIEC) prescribes a lesser period of time within which the department shall either grant or deny the request for license, then that time limitation shall supersede this subsection.

(11) A person shall not be indemnified for any act covered by this chapter or for any fine or penalty incurred under this chapter as a result of any violation of this chapter or regulations adopted under this chapter, due to the legal form, corporate structure, or choice of organization of the person including, but not limited to, a limited liability corporation.

SECTION 8. Section 81-18-14, Mississippi Code of 1972, is reenacted as follows:

81-18-14. (1) In order to meet the prelicensing education requirement referred to in Section 81-18-9(4)(d), a person shall complete at least twenty (20) hours of education approved in accordance with subsection (2) of this section, which shall include at least:

- (a) Three (3) hours of federal law and regulations;
- (b) Three (3) hours of ethics, which shall include instruction on fraud, consumer protection and fair lending issues;
- (c) Two (2) hours of training related to lending standards for the nontraditional mortgage product marketplace; and
- (d) Four (4) hours of education related to the Mississippi S.A.F.E. Mortgage Act.

(2) For the purposes of subsection (1) of this section, prelicensing education courses shall be reviewed, and approved by

the Nationwide Mortgage Licensing System and Registry based upon reasonable standards. Review and approval of a prelicensing education course shall include review and approval of the course provider.

(3) Nothing in this section shall preclude any prelicensing education course, as approved by the Nationwide Mortgage Licensing System and Registry, that is provided by the employer of the applicant or an entity that is affiliated with the applicant by an agency contract, or any subsidiary or affiliate of such employer or entity.

(4) Prelicensing education may be offered either in a classroom, online or by any other means approved by the Nationwide Mortgage Licensing System and Registry.

(5) The prelicensing education requirements approved by the Nationwide Mortgage Licensing System and Registry in subsection (1) of this section for any state shall be accepted as credit towards completion of prelicensing education requirements in Mississippi.

(6) A person previously licensed under this chapter who applies to be licensed again on or after July 1, 2009, must prove that they have completed all of the continuing education requirements for the year in which the license was last held.

(7) In order to meet the written test requirement for mortgage loan originators referred to in Section 81-18-9(4)(e), an individual shall pass, in accordance with the standards established under this subsection, a qualified written test developed by the Nationwide Mortgage Licensing System and Registry and administered by a test provider approved by the Nationwide Mortgage Licensing System and Registry based upon reasonable standards.

(8) A written test shall not be treated as a qualified written test for purposes of subsection (7) of this section unless

the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including:

- (a) Ethics;
- (b) Federal law and regulation pertaining to mortgage origination;
- (c) State law and regulation pertaining to mortgage origination; and
- (d) Federal and state law and regulation, including instruction on fraud, consumer protection, the nontraditional mortgage marketplace and fair lending issues.

(9) Nothing in this section shall prohibit a test provider approved by the Nationwide Mortgage Licensing System and Registry from providing a test at the location of the employer of the applicant or the location of any subsidiary or affiliate of the employer of the applicant, or the location of any entity with which the applicant holds an exclusive arrangement to conduct the business of a mortgage loan originator.

(10) (a) An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than seventy-five percent (75%) correct answers to questions.

(b) An individual may retake a test three (3) consecutive times with each consecutive taking occurring at least thirty (30) days after the preceding test.

(c) After failing three (3) consecutive tests, an individual shall wait at least six (6) months before taking the test again.

(d) A licensed mortgage loan originator who fails to maintain a valid license for a period of five (5) years or longer shall retake the test, not taking into account any time during which such individual is a registered mortgage loan originator.

SECTION 9. Section 81-18-15, Mississippi Code of 1972, is reenacted as follows:

81-18-15. (1) Each mortgage broker and mortgage lender license shall remain in full force and effect until relinquished, suspended, revoked or expired. With each initial application for a license to operate as a mortgage broker or mortgage lender, the applicant shall pay through the Nationwide Mortgage Licensing System and Registry to the commissioner a license fee of Seven Hundred Fifty Dollars (\$750.00); however, if the initial mortgage broker or mortgage lender license is issued between November 1 and December 31, the license will expire December 31 of the following licensing year. Upon the expiration of the initial license, the licensee shall pay an annual renewal fee of Four Hundred Seventy-five Dollars (\$475.00) on or before December 31 of each year. If the annual renewal fee remains unpaid, the license shall expire, but not before December 31 of any year for which the annual renewal fee has been paid. If any person engages in business as provided for in this chapter without paying the license fee provided for in this subsection before commencing business or before the expiration of the person's current license, as the case may be, then the person shall be liable for the initial license fee, which is Seven Hundred Fifty Dollars (\$750.00), plus a penalty in an amount not to exceed Twenty-five Dollars (\$25.00) for each day that the person has engaged in such business without a license or after the expiration of a license. All licensing fees and penalties shall be paid into the Consumer Finance Fund of the department. If the application is withdrawn or denied, the application fee along with any other applicable fee are not refundable.

(2) The minimum standards for license renewal for mortgage loan originators shall include the following:

(a) The mortgage loan originator continues to meet the minimum standards for license issuance under Section 81-18-9(4).

(b) The mortgage loan originator has satisfied the annual continuing education requirements described in Section 81-18-15(5).

(c) The mortgage loan originator has paid all required fees for renewal of the license. Annual renewals of this license shall require a fee of Fifty Dollars (\$50.00).

(3) The license of a mortgage loan originator failing to satisfy the minimum standards for license renewal shall expire. The commissioner may adopt procedures for the reinstatement of expired licenses consistent with the standards established by the Nationwide Mortgage Licensing System and Registry. If the renewal fee remains unpaid, the license shall expire, but not before December 31 of any year for which the annual renewal fee has been paid. However, if the initial loan originator license is issued between November 1 and December 31, the license will expire December 31 of the following licensing year. If the renewal fee is not paid before the expiration date of the license, the mortgage loan originator shall be liable for the initial license fee, which is One Hundred Dollars (\$100.00), in order to renew.

(4) Any licensee making timely and proper application for a license renewal shall be permitted to continue to operate under its existing license until its application is approved or rejected, but shall not be released from or otherwise indemnified for any act covered by this chapter or for any penalty incurred under this chapter as a result of any violation of this chapter or regulations adopted under this chapter, pending final approval or disapproval of the application for the license renewal.

(5) In order to meet the annual continuing education requirements referred to in Section 81-18-15(2)(b), a licensed mortgage loan originator shall complete at least twelve (12) hours of education approved in accordance with subsection (2) of this section, which shall include at least:

(a) Three (3) hours of federal law and regulations;

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(b) Two (2) hours of ethics, which shall include instruction on fraud, consumer protection and fair lending issues;

(c) Two (2) hours of training related to lending standards for the nontraditional mortgage product marketplace; and

(d) Two (2) hours of education related to the Mississippi S.A.F.E. Mortgage Act.

(6) For the purposes of subsection (5) of this section, continuing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry based upon reasonable standards. Review and approval of a continuing education course shall include review and approval of the course provider.

(7) Nothing in this section shall preclude any education course, as approved by the Nationwide Mortgage Licensing System and Registry, that is provided by the employer of the mortgage loan originator or an entity that is affiliated with the mortgage loan originator by an agency contract, or any subsidiary or affiliate of such employer or entity.

(8) Continuing education may be offered either in a classroom, online or by any other means approved by the Nationwide Mortgage Licensing System and Registry.

(9) A licensed mortgage loan originator:

(a) Except for Section 81-18-15(3) and subsection (13) of this section, may only receive credit for a continuing education course in the year in which the course is taken; and

(b) May not take the same approved course in the same or successive years to meet the annual requirements for continuing education, with the exception of the course concerning the Mississippi S.A.F.E. Mortgage Act.

(10) A licensed mortgage loan originator who is an approved instructor of an approved continuing education course may receive credit for the licensed mortgage loan originator's own annual

continuing education requirement at the rate of two (2) hours credit for every one (1) hour taught.

(11) A person having successfully completed the education requirements approved by the Nationwide Mortgage Licensing System and Registry in subsection (5) of this section for any state shall be accepted as credit towards completion of continuing education requirements in Mississippi.

(12) A licensed mortgage loan originator who later becomes unlicensed must complete the continuing education requirements for the last year in which the license was held prior to issuance of a new or renewed license.

(13) A person meeting the requirements of Section 81-18-15(2) (a) and (c) may make up any deficiency in continuing education as established by rule or regulation of the commissioner.

SECTION 10. Section 81-18-17, Mississippi Code of 1972, is reenacted and amended as follows:

81-18-17. * * *

(1) A license may not be transferred or assigned.

(2) No licensee shall transact business under any name other than that designated in the license.

(3) A licensed mortgage broker or mortgage lender shall notify the department through the Nationwide Mortgage Licensing System and Registry of any change in the address of its principal place of business or of any change in the address of an additional licensed branch location within thirty (30) days of the change.

(4) No licensee shall open a branch office in this state or a branch office outside this state from which the licensee has direct contact with consumers regarding origination or brokering Mississippi residential property, without prior approval of the department. An application for any branch office shall be made through the Nationwide Mortgage Licensing System and Registry on a form prescribed by the department, which shall include at least

evidence of compliance with subsection (1) of Section 81-18-25 as to that branch and shall be accompanied by payment of a nonrefundable application fee of One Hundred Dollars (\$100.00) and at least one (1) loan originator application licensed at that branch office. The application shall be approved unless the department finds that the applicant has not conducted business under this chapter in accordance with law. Each branch office that currently holds a branch license shall renew that branch license before the expiration date of the main company license, on or before December 31; however, if the initial branch license is issued between November 1 and December 31, the license will expire December 31 of the following licensing year. The license renewal shall be on a form prescribed by the department with a nonrefundable renewal application fee of Twenty-five Dollars (\$25.00). If the annual renewal fee remains unpaid, the license shall expire, but not before December 31 of any year for which the annual renewal fee has been paid. If the renewal fee is not paid before the expiration date of the license, the branch shall be liable for the initial license fee, which is One Hundred Dollars (\$100.00), in order to renew.

(5) A licensed mortgage broker or mortgage lender shall notify the department within thirty (30) days by submitting a sponsorship removal in the Nationwide Mortgage Licensing System and Registry when a loan originator is released from its employment. In addition, the licensed mortgage broker or mortgage lender shall notify the department within thirty (30) days through the Nationwide Mortgage Licensing System and Registry when there is a change of the qualifying individual of the licensee.

SECTION 11. Section 81-18-19, Mississippi Code of 1972, is reenacted and amended as follows:

81-18-19. (1) Except as provided in this section, no person shall acquire directly or indirectly ten percent (10%) or more of the voting shares of a corporation or ten percent (10%) or more of

the ownership of any other entity licensed to conduct business under this chapter unless it first files an application in accordance with the requirements prescribed in Section 81-18-9.

(2) Upon the filing and investigation of an application, the department shall permit the applicant to acquire the interest in the licensee if it is satisfied and finds that the applicant and its members, if applicable, its directors and officers, if a corporation, and any proposed new directors and officers have provided its surety bond and have the character, reputation and experience to warrant belief that the business will be operated fairly and in accordance with the law. If the application is denied, the department shall notify the applicant of the denial and the reasons for the denial.

(3) A decision of the department denying a license, original or renewal, shall be conclusive, except that the applicant may seek judicial review in the Chancery Court of the First Judicial District of Hinds County, Mississippi.

(4) The provisions of this section do not apply to the following, subject to notification as required in this section:

(a) The acquisition of an interest in a licensee directly or indirectly including an acquisition by merger or consolidation by or with a person licensed under this chapter or exempt from this chapter under Section 81-18-5.

(b) The acquisition of an interest in a licensee directly or indirectly including an acquisition by merger or consolidation by or with a person affiliated through common ownership with the licensee.

(c) The acquisition of an interest in a licensee by a person by bequest, devise, gift or survivorship or by operation of law.

(5) A person acquiring an interest in a licensee in a transaction that is requesting exemption from filing an application for approval of the application shall send a written

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request to the department for an exemption within thirty (30) days before the closing of the transaction.

SECTION 12. Section 81-18-21, Mississippi Code of 1972, is reenacted as follows:

81-18-21. (1) Any person required to be licensed under this chapter shall maintain in its offices, or such other location as the department shall permit, the books, accounts and records necessary for the department to determine whether or not the person is complying with the provisions of this chapter and the rules and regulations adopted by the department under this chapter. These books, accounts and records shall be maintained apart and separate from any other business in which the person is involved and may represent historical data for three (3) years preceding the date of the last license application date forward. The books, accounts and records shall be kept in a secure location under conditions that will not lead to their damage or destruction. If the licensee wishes to keep the files in a location other than the location listed on the license, then the licensee first must submit a written request on a form designated by the department and gain written approval from the commissioner before storing the files at an off-site secure location.

(2) To assure compliance with the provisions of this chapter, the department may examine the books and records of any licensee without notice during normal business hours. The commissioner shall charge the licensee an examination fee in an amount not less than Three Hundred Dollars (\$300.00) nor more than Six Hundred Dollars (\$600.00) for each office or location within the State of Mississippi, plus any actual expenses incurred while examining the licensee's records or books that are located outside the State of Mississippi. However, in no event shall a licensee be examined more than once in a two-year period unless for cause shown based upon consumer complaint and/or other exigent reasons as determined by the commissioner.

(3) The department, its designated officers and employees, or its duly authorized representatives, for the purposes of discovering violations of this chapter and for the purpose of determining whether any person or individual reasonably suspected by the commissioner of conducting business that requires a license under this chapter, may investigate those persons and individuals and examine all relevant books, records and papers employed by those persons or individuals in the transaction of business, and may summon witnesses and examine them under oath concerning matters as to the business of those persons, or other such matters as may be relevant to the discovery of violations of this chapter including, without limitation, the conduct of business without a license as required under this chapter.

(4) Each licensee, individual or person subject to this chapter shall make available to the commissioner upon request the books and records relating to the operations of the licensee, individual or person subject to this chapter. The commissioner shall have access to those books and records and interview the officers, principals, mortgage loan originators, employees, independent contractors, agents, and customers of the licensee, individual or person subject to this chapter concerning their business.

(5) Each licensee, individual or person subject to this chapter shall make or compile reports or prepare other information as directed by the commissioner in order to carry out the purposes of this section including, but not limited to:

- (a) Accounting compilations;
- (b) Information lists and data concerning loan transactions in a format prescribed by the commissioner; or
- (c) Such other information deemed necessary to carry out the purposes of this section.

(6) In making any examination or investigation authorized by this chapter, the commissioner may control access to any documents

and records of the licensee or person under examination or investigation. The commissioner may take possession of the documents and records or place a person in exclusive charge of the documents and records in the place where they are usually kept. During the period of control, no individual or person shall remove or attempt to remove any of the documents and records except under a court order or with the consent of the commissioner. Unless the commissioner has reasonable grounds to believe the documents or records of the licensee have been or are at risk of being altered or destroyed for purposes of concealing a violation of this chapter, the licensee or owner of the documents and records shall have access to the documents or records as necessary to conduct its ordinary business affairs.

(7) The commissioner shall report regularly violations of this chapter, as well as enforcement actions and other relevant information, to the Nationwide Mortgage Licensing System and Registry subject to the provisions contained in Section 81-18-63.

(8) Examinations and investigations conducted under this chapter and information obtained by the department, except as provided in subsection (7) of this section, in the course of its duties under this chapter are confidential.

(9) In the absence of malice, fraud or bad faith a person is not subject to civil liability arising from the filing of a complaint with the department, furnishing other information required by this chapter, information required by the department under the authority granted in this chapter, or information voluntarily given to the department related to allegations that a licensee or prospective licensee has violated this chapter.

(10) In order to carry out the purposes of this section, the commissioner may:

(a) Accept and rely on examination or investigation reports made by other government officials, within or without this state; or

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(b) Accept audit reports made by an independent certified public accountant for the licensee, individual or person subject to this chapter in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in the report of the examination, report of investigation or other writing of the commissioner.

(11) The authority of this section shall remain in effect, whether such a licensee, individual or person subject to this chapter acts or claims to act under any licensing or registration law of this state, or claims to act without that authority.

(12) No licensee, individual or person subject to investigation or examination under this section may knowingly withhold, abstract, remove, mutilate, destroy or secrete any books, records, computer records or other information.

SECTION 13. Section 81-18-23, Mississippi Code of 1972, is reenacted as follows:

81-18-23. (1) Each mortgage licensee shall submit to the Nationwide Mortgage Licensing System and Registry reports of condition, which shall be in such form and shall contain such information as the Nationwide Mortgage Licensing System and Registry may require.

(2) The department, in its discretion, may relieve any company from the payment of any penalty, in whole or in part, for good cause.

(3) If a company fails to pay a penalty from which it has not been relieved, the department may maintain an action at law to recover the penalty.

(4) Within fifteen (15) days of the occurrence of any of the following events, a company shall file with the Nationwide Mortgage Licensing System and Registry the applicable change in the disclosure questions and shall file a written report with the

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commissioner describing the event and its expected impact on the activities of the company in this state:

(a) The filing for bankruptcy or reorganization by the company;

(b) The institution of revocation or suspension proceedings against the company by any state or governmental authority;

(c) Any felony indictment of the company or any of its directors, executive officers, qualifying individual or loan originators;

(d) Any felony conviction of the company or any of its directors, executive officers, qualifying individual or loan originators; or

(e) Any misdemeanor conviction, in which fraud is an essential element, of any of the company's directors, executive officers, qualifying individual or loan originators.

(5) If the company, owner, qualifying individual of a company or licensed loan originator is involved in a civil action concerning the company, then the person shall notify the commissioner in writing within sixty (60) days after the initial filing of the civil action.

SECTION 14. Section 81-18-25, Mississippi Code of 1972, is reenacted and amended as follows:

81-18-25. (1) Each principal place of business and branch office in the state shall meet all of the following requirements:

(a) Be in compliance with local zoning ordinances and have posted any licenses required by local government agencies. It is the responsibility of the licensee to meet local zoning ordinances and obtain the required occupational licenses; however, zoning cannot be residential. If there is no zoning in the area, then the person shall submit to the department a letter from the city or county stating that there is no zoning.

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(b) Consist of at least one (1) secure enclosed room or secure building of stationary construction in which negotiations of mortgage loan transactions may be conducted in privacy. Stationary construction does not include the use of portable buildings. If there is no zoning in the requested location and the property is used for residential purposes, then the person shall utilize an enclosed room with a dedicated outside door.

(c) Display a permanent sign outside the place of business readily visible to the general public, unless the display of sign violates local zoning ordinances or restrictive covenants. The sign must contain the name of the licensee and the words "Mississippi Licensed Mortgage Company" or, if the initial license is obtained after July 1, 2007, the words "Licensed by the Mississippi Department of Banking and Consumer Finance." The signage shall also contain the Nationwide Mortgage Licensing System and Registry Unique Identifier issued to that particular licensed location.

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(2) If one (1) of the following is correct, then that location shall be licensed as a mortgage broker or mortgage lender under this chapter and not as a branch:

(a) It is a separate entity operating as an independent business or mortgage operation which is not under the direct control, management supervision and responsibility of the licensee;

(b) The licensee is not the lessee or owner of the branch and the branch is not under the direct and daily ownership, control, management and supervision of the licensee;

(c) All assets and liabilities of the branch are not assets and liabilities of the licensee, and all income and expenses of the branch are income and expenses of the licensee and properly accounted for in the financial records and tax returns of the licensee; or

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(d) All practices, policies and procedures, including, but not limited to, those relating to employment and operations, are not originated and established by the licensee or registered company and are not applied consistently to the principal place of business and all branches.

Nothing in this subsection (2) shall affect or change, or be construed as affecting or changing, the existing statutory law and common law on agency, principal and agent, independent contractors, and parent and subsidiary companies.

SECTION 15. Section 81-18-27, Mississippi Code of 1972, is reenacted as follows:

81-18-27. (1) No person required to be licensed under this chapter shall:

(a) Directly or indirectly employ any scheme, device or artifice to defraud or mislead borrowers or lenders or to defraud any person.

(b) Misrepresent to or conceal from an applicant for a mortgage loan or mortgagor, material facts, terms or conditions of a transaction to which the licensee is a party.

(c) Fail to disburse funds in accordance with a written commitment or agreement to make a mortgage loan.

(d) Fail to truthfully account for monies belonging to a party to a residential mortgage loan transaction.

(e) Improperly refuse to issue a satisfaction of a mortgage loan.

(f) Fail to account for or deliver to any person any personal property obtained in connection with a mortgage loan, such as money, funds, deposits, checks, drafts, mortgages or other documents or things of value that have come into the possession of the licensee and that are not the property of the licensee, or that the licensee is not by law or at equity entitled to retain.

(g) Engage in any transaction, practice, or course of business that is not in good faith, or that operates a fraud upon

any person in connection with the making, of or purchase or sale of any mortgage loan, including the use of correction fluid on any document associated with the mortgage loan.

(h) Engage in any fraudulent residential mortgage underwriting practices, which include, but are not limited to, making in any manner, any false or deceptive statement or representation including, with regard to the rates, points or other financing terms or conditions for a residential mortgage loan, or engage in bait and switch advertising.

(i) Solicit or enter into a contract with a borrower that provides in substance that the person or individual subject to this chapter may earn a fee or commission through "best efforts" to obtain a loan even though no loan is actually obtained for the borrower.

(j) Induce, require, or otherwise permit the applicant for a mortgage loan or mortgagor to sign a security deed, note, or other pertinent financial disclosure documents with any blank spaces to be filled in after it has been signed, except blank spaces relating to recording or other incidental information not available at the time of signing.

(k) Make, directly or indirectly, any residential mortgage loan with the intent to foreclose on the borrower's property. For purposes of this paragraph, there is a presumption that a person has made a residential mortgage loan with the intent to foreclose on the borrower's property if any of the following circumstances are proven:

- (i) Lack of substantial benefit to the borrower;
- (ii) The probability that full payment of the loan cannot be made by the borrower;
- (iii) That the person has made a significant proportion of loans foreclosed under similar circumstances;
- (iv) That the person has provided an extension of credit or collected a mortgage debt by extortion;

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(v) That the person does business under a trade name that misrepresents or tends to misrepresent that the person is a bank, trust company, savings bank, savings and loan association, credit union, or insurance company.

(1) Charge or collect any direct payment, compensation or advance fee from a borrower unless and until a loan is actually found, obtained and closed for that borrower, and in no event shall that direct payment, compensation or advance fee exceed seven and ninety-five one-hundredths percent (7.95%) of the original principal amount of the loan, and any such direct payments, compensation or advance fees shall be included in all annual percentage rate (APR) calculations if required under Regulation Z of the federal Truth in Lending Act (TILA). A direct payment, compensation or advance fee as defined in this section shall not include:

(i) Any direct payment, compensation or advance fee collected by a licensed mortgage broker or mortgage lender to be paid to a nonrelated third party;

(ii) Any indirect payment to a licensed mortgage broker or mortgage lender by a lender if those fees are not required to be disclosed under the Real Estate Settlement Procedures Act (RESPA);

(iii) Any indirect payment or compensation by a lender to a licensee required to be disclosed by the licensee under RESPA, provided that the payment or compensation is disclosed to the borrower by the licensee on a good faith estimate of costs, is included in the APR if required under Regulation Z of TILA, and is made pursuant to a written agreement between the licensee and the borrower as may be required by Section 81-18-33;

(iv) A fee not to exceed one percent (1%) of the principal amount of a loan for construction, provided that a binding commitment for the loan has been obtained for the prospective borrower; or

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(v) An advance fee, known as a lock-in fee, collected by a licensee to be paid to a lender to lock in an interest rate and/or a certain number of points on a mortgage loan from the lender as provided in Section 81-18-28.

(m) Pay to any person not licensed under the provisions of this chapter any commission, bonus or fee in connection with arranging for or originating a mortgage loan for a borrower, except that a licensed loan originator may be paid a bonus, commission, or fee by his or her licensed employer.

(n) Refuse to provide the loan payoff within three (3) business days of an oral or written request from a borrower or third party. Proof of authorization of the borrower shall be submitted for a third-party request.

(o) Knowingly withhold, extract, remove, mutilate, destroy or conceal any books, records, computer records or other information which are required by law to be disclosed.

(p) Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any information or reports filed with a governmental agency or the Nationwide Mortgage Licensing System and Registry or in connection with any investigation conducted by the commissioner or another governmental agency.

(q) Fail to comply with this chapter or rules or regulations promulgated under this chapter, or fail to comply with any other state or federal law, including the rules and regulations under that law, applicable to any business authorized or conducted under this chapter.

(r) Conduct any business covered by this chapter without holding a valid license as required under this chapter, or assist or aid and abet any person in the conduct of business under this chapter without a valid license as required under this chapter.

(s) Make any payment, threat or promise, directly or indirectly, to any person for the purposes of influencing the independent judgment of the person in connection with a residential mortgage loan, or make any payment threat or promise, directly or indirectly, to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property.

(t) Solicit, advertise or enter into a contract for specific interest rates, points or other financing terms unless the terms are actually available at the time of soliciting, advertising or contracting.

(u) Fail to make disclosures as required by this chapter and any other applicable state or federal law including regulations under that law.

(v) Cause or require a borrower to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer.

(2) A licensed mortgage broker or mortgage lender shall only broker a residential mortgage loan to a mortgage broker or mortgage lender licensed under this chapter or to a person exempt from licensure under the provisions of this chapter.

(3) No nonbanking entity may use any sign or handwritten or printed paper indicating that it is a bank, savings bank, trust company or place of banking. No entity may use the word "bank," "savings bank," "banking," "banker" or "trust company," or the equivalent or plural of any of these words, in connection with any business other than that of banking. This subsection does not prohibit a person from acting in a trust capacity.

(4) No person shall use the name or logo of any banking entity in connection with the sale, offering for sale, or advertising of any financial product or service without the express written consent of the banking entity.

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(5) No unlicensed Mississippi location of a Mississippi licensed mortgage broker or mortgage lender may advertise mortgage services if the unlicensed location is more than fifty (50) miles from a licensed Mississippi location.

SECTION 16. Section 81-18-28, Mississippi Code of 1972, is reenacted as follows:

81-18-28. (1) A licensed mortgage broker or mortgage lender may enter into lock-in agreements and collect a lock-in fee from a borrower on the lender's behalf. The lock-in fee shall not exceed the following:

(a) No fee may be collected to lock in for sixty (60) days or less;

(b) One percent (1%) of the principal amount of the loan to lock in for more than sixty (60) days, but not to exceed one hundred eighty (180) days;

(c) One and one-half percent (1-1/2%) of the principal amount of the loan to lock in for more than one hundred eighty (180) days, but not to exceed two hundred seventy (270) days; or

(d) Two percent (2%) of the principal amount of the loan to lock in for more than two hundred seventy (270) days.

(2) Before the collection of a lock-in fee, the applicant must be provided a copy of the lock-in fee agreement. This agreement shall contain at least the following:

(a) Identification of the property that is being purchased with the loan;

(b) The principal amount and term of the loan;

(c) The initial interest rate and/or points, whether the interest rate is fixed or variable, and if variable, the index and margin, or the method by which an interest rate change for the mortgage loan will be calculated;

(d) The amount of the lock-in fee, whether the fee is refundable or nonrefundable, the time by which the lock-in fee

must be paid to the lender, and if the fee is refundable, the terms and conditions necessary to obtain the refund; and

(e) The length of the lock-in period that the agreement covers.

SECTION 17. Section 81-18-29, Mississippi Code of 1972, is reenacted as follows:

81-18-29. The commissioner shall promulgate those rules and regulations, not inconsistent with law, necessary for the enforcement of this chapter.

SECTION 18. Section 81-18-31, Mississippi Code of 1972, is reenacted as follows:

81-18-31. The department shall promulgate regulations governing the advertising of mortgage loans, including, but not limited to, the following requirements:

(a) That all advertisements for loans regulated under this chapter may not be false, misleading or deceptive. No person whose activities are regulated under this chapter may advertise in any manner so as to indicate or imply that its interest rates or charges for loans are "recommended," "approved," "set" or "established" by the State of Mississippi;

(b) That all licensees shall maintain a copy of all advertisements citing interest rates or payment amounts primarily disseminated in this state and shall attach to each advertisement documentation that provides corroboration of the availability of the interest rate and terms of loans and names the specific media sources by which the advertisements were distributed;

(c) That all published advertisements disseminated primarily in this state by a licensee shall contain the name and an office address of the licensee, which shall be the same as the name and address of the licensee on record with the department;

(d) That an advertisement containing either a quoted interest rate or monthly payment amount must include:

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(i) The interest rate of the mortgage, a statement as to whether the rate is fixed or adjustable, and the adjustment index and frequency of adjustments;

(ii) The term in years or months to fully repay the mortgage;

(iii) The APR as computed under federal guidelines; and

(e) That no licensee shall advertise its services in Mississippi in any media disseminated primarily in this state, whether print or electronic, without the words "Mississippi Licensed Mortgage Company" or, if the initial license is obtained after July 1, 2007, the words "Licensed by the Mississippi Department of Banking and Consumer Finance."

(f) That the unique identifier of any person originating a residential mortgage loan shall be clearly shown on all residential mortgage loan application forms, solicitations or advertisements, including business cards or Web sites, and any other documents as established by rule, regulation or order of the commissioner.

SECTION 19. Section 81-18-33, Mississippi Code of 1972, is reenacted as follows:

81-18-33. The individual borrower files of a licensee shall contain at least the following:

(a) A mortgage origination agreement provided to the borrower containing at least the following statements:

(i) "As required by Mississippi Law, (licensed company name) has secured a bond issued by (name of insurance company), a surety company authorized to do business in this state. A certified copy of this bond is filed with the Mississippi Commissioner of Banking and Consumer Finance."

(ii) "As a borrower you are protected under the Mississippi S.A.F.E. Mortgage Act."

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(iii) "Complaints against a licensee may be made by contacting the:

Mississippi Department of Banking and
Consumer Finance
P.O. Drawer 23729
Jackson, MS 39225-3729";

(b) A copy of the original loan application signed and dated by the licensee;

(c) A copy of the signed closing statement as required by HUD or documentation of denial or cancellation of the loan application;

(d) A copy of the good-faith estimate of costs provided to the borrower;

(e) A copy of the appraisal or statement of value if procured as a part of the loan application process;

(f) A copy of a loan lock-in agreement, if any, provided by the licensee;

(g) A copy of the disclosures required under Regulation Z of the federal Truth In Lending Act and other disclosures as required under federal regulations and evidence that those disclosures have been properly and timely made to the borrower; and

(h) A copy of the final signed Uniform Residential Loan Application. However, any mortgage licensee who holds a license under the provisions of the Small Loan Regulatory Law, Section 75-67-101 et seq., and the Small Loan Privilege Tax Law, Section 75-67-201 et seq., may substitute an application that is otherwise compliant with federal and state law.

SECTION 20. Section 81-18-35, Mississippi Code of 1972, is reenacted and amended as follows:

81-18-35. Each licensee shall maintain a journal of mortgage transactions at the principal place of business as stated on its license, which shall include at least the following information:

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- (a) Name of applicant and co-applicant, if applicable;
- (b) Date of application; and
- (c) Disposition of loan application, indicating date of loan closing, loan denial, withdrawal and name of lender if applicable.

SECTION 21. Section 81-18-36, Mississippi Code of 1972, is reenacted as follows:

81-18-36. (1) (a) All monies paid to a licensee for payment of taxes, loan commitment deposits, work completion deposits, appraisals, credit reports or insurance premiums on property that secures any loan made or serviced by the licensee shall be deposited in an account that is insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration and shall be kept separate, distinct, and apart from funds belonging to the licensee.

(b) The funds, when deposited, are to be designated as an "escrow account," or under some other appropriate name, indicating that the funds are not the funds of the licensee.

(2) The licensee shall, upon reasonable notice, account to any debtor whose property secures a loan made by the licensee for any funds which that person has paid to the licensee for the payment of taxes or insurance premiums on the property in question.

(3) The licensee shall, upon reasonable notice, account to the commissioner for all funds in the company's escrow account.

(4) Escrow accounts are not subject to execution or attachment on any claim against the licensee.

(5) It is unlawful for any licensee knowingly to keep or cause to be kept any funds or money in any bank or other financial institution under the heading of "escrow account" or any other name designating the funds or monies belonging to the debtors of the licensee, except actual funds paid to the licensee for the

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payment of taxes and insurance premiums on property securing loans made or serviced by the company.

SECTION 22. Section 81-18-37, Mississippi Code of 1972, is reenacted as follows:

81-18-37. (1) The department may suspend^{or} or revoke any license for any reason that would have been grounds for refusal to issue an original license or for:

(a) A violation of any provision of this chapter or any rule or regulation adopted under this chapter;

(b) Failure of the licensee to pay, within thirty (30) days after it becomes final and nonappealable, a judgment recovered in any court within this state by a claimant or creditor in an action arising out of the licensee's business in this state as a mortgage broker or mortgage lender.

(2) Notice of the department's intention to enter an order denying an application for a license under this chapter or of an order suspending or revoking a license under this chapter shall be given to the applicant, licensee in writing, sent by registered or certified mail addressed to the principal place of business of the applicant or licensee. Within thirty (30) days of the date of the notice of intention to enter an order of denial, suspension or revocation under this chapter, the applicant, licensee may request in writing a hearing to contest the order. If a hearing is not requested in writing within thirty (30) days of the date of the notice of intention, the department shall enter a final order regarding the denial, suspension or revocation. Any final order of the department denying, suspending or revoking a license shall state the grounds upon which it is based and shall be effective on the date of issuance. A copy of the final order shall be forwarded promptly by registered or certified mail addressed to the principal place of business of the applicant or licensee.

SECTION 23. Section 81-18-39, Mississippi Code of 1972, is reenacted and amended as follows:

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81-18-39. (1) For purposes of this section, the term "person" shall be construed to include any officer, director, employee, affiliate or other person participating in the conduct of the affairs of the person subject to the orders issued under this section.

(2) If the department reasonably determines that a person required to be licensed * * * under this chapter has violated any law of this state or any order or regulation of the department, the department may issue a written order requiring the person to cease and desist from unlawful or unauthorized practices. In the case of an unlawful purchase of mortgage loans, the cease and desist order to a purchaser shall constitute the knowledge required under this section for any subsequent violations.

(3) Any person required to be licensed * * * under this chapter who has been deemed by the commissioner, after notice and hearing, to have violated the terms of any order properly issued by the department under this section shall be liable for a civil penalty not to exceed Three Thousand Dollars (\$3,000.00). The department, in determining the amount of the penalty, shall take into account the appropriateness of the penalty relative to the size of the financial resources of the person, the good-faith efforts of the person to comply with the order, the gravity of the violation, the history of previous violations by the person, and other factors or circumstances that contributed to the violation. The department may compromise, modify or refund any penalty that has been imposed under this section. Any person assessed a penalty as provided in this subsection shall have the right to request a hearing on the amount of the penalty within ten (10) days after receiving notification of the assessment. If no hearing is requested within ten (10) days of the receipt of the notice, the penalty shall be final except as to judicial review in the Chancery Court of the First Judicial District of Hinds County. Upon the filing of a petition for judicial review, the court shall

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issue an order to the licensee requiring the licensee to show cause why it should not be entered. If the court determines, after a hearing upon the merits or after failure of the person to appear when so ordered, that the order of the department was properly issued, it shall grant the penalty sought by the department.

SECTION 24. Section 81-18-40, Mississippi Code of 1972, is reenacted as follows:

81-18-40. (1) For the purpose of conducting investigations, examinations or other proceedings under this chapter, the commissioner or his designee may issue subpoenas to any individual, person or other entity for the production of all books, papers, records, files, documents or other things, and may subpoena and compel the attendance of witnesses to give testimony, and may administer oaths. Subpoenas as herein provided may be served either by personal process or by registered mail, and upon service shall command attendance of such witnesses, and/or production of such papers and documents, at the time and place so specified.

(2) Any person or entity who fails or refuses to comply with a subpoena issued hereunder may be assessed by the commissioner a civil penalty of not more than Five Hundred Dollars (\$500.00) for each day of noncompliance, and any privileges or licenses issued by the commissioner to the person or entity may be suspended for not more than six (6) months. In addition to the civil penalty, the commissioner shall be entitled to the assistance of the chancery court or the chancellor in vacation, which, on petition by the commissioner or his designee, shall issue ancillary subpoenas and petitions and may punish as for contempt of court in the event of noncompliance therewith, and assess attorney's fees and costs, if deemed appropriate.

SECTION 25. Section 81-18-41, Mississippi Code of 1972, is reenacted as follows:

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81-18-41. Nothing in this chapter shall preclude a person whose license has been suspended or revoked from continuing to service mortgage loans pursuant to servicing contracts in existence at the time of the suspension or revocation for a reasonable transition period, as determined by the commissioner, after the date of the entry of the final decision in the case suspending or revoking the license.

SECTION 26. Section 81-18-43, Mississippi Code of 1972, is reenacted as follows:

81-18-43. (1) In order to ensure the effective supervision and enforcement of this chapter, the commissioner may:

(a) Deny, suspend, revoke, condition or decline to renew a license for a violation of this chapter, rules or regulations issued under this chapter or order or directive entered under this chapter.

(b) Deny, suspend, revoke, condition or decline to renew a license if an applicant or licensee fails at any time to meet the requirements of Section 81-18-9(4) or 81-18-15(2), or withholds information or makes a material misstatement in an application for a license or renewal of a license.

(c) Order restitution against persons subject to this chapter for violations of this chapter.

(d) Impose civil penalties on persons subject to this chapter under subsections (2) and (3) of this section.

(e) Issue orders or directives under this chapter as follows:

(i) Order or direct persons subject to this chapter to cease and desist from conducting business, including immediate temporary orders to cease and desist.

(ii) Order or direct persons subject to this chapter to cease any harmful activities or violations of this chapter, including immediate temporary orders to cease and desist.

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(iii) Enter immediate temporary orders to cease business under a license issued under the authority granted under Section 81-18-7(6) if the commissioner determines that the license was erroneously granted or the licensee is currently in violation of this chapter.

(iv) Order or direct such other affirmative action as the commissioner deems necessary.

(2) The commissioner may impose a civil penalty on a mortgage loan originator or person subject to this chapter, if the commissioner finds, on the record after notice and opportunity for hearing, that the mortgage loan originator or person subject to this chapter has violated or failed to comply with any requirement of this chapter or any regulation prescribed by the commissioner under this chapter or order issued under authority of this chapter. The maximum amount of penalty for each act or omission described in this subsection shall be Twenty-five Thousand Dollars (\$25,000.00).

(3) Each violation or failure to comply with any directive or order of the commissioner is a separate and distinct violation or failure.

(4) For a first offense, the licensee, person required to be licensed, or employee may be found guilty of a misdemeanor and, upon conviction thereof, shall be punishable by imprisonment in the county jail for not more than one (1) year.

(5) For a second or subsequent offense, the licensee, person required to be licensed, or employee shall be guilty of a felony and, upon conviction thereof, may be punished by imprisonment in the custody of the State Department of Corrections for a term not less than one (1) year nor more than five (5) years.

(6) Compliance with the criminal provisions of this section shall be enforced by the appropriate law enforcement agency, which may exercise for that purpose any authority conferred upon the agency by law.

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(7) The commissioner shall report regularly violations of this chapter, as well as enforcement actions and other relevant information, to the Nationwide Mortgage Licensing System and Registry subject to the provisions contained in Section 81-18-63.

(8) The state may enforce its rights under the surety bond as required in Section 81-18-11 as an available remedy for the collection of any civil penalties, criminal fines or costs of investigation and/or prosecution incurred.

(9) Any person assessed a penalty as provided in this section shall have the right to request a hearing on the amount of the penalty within ten (10) days after receiving notification of the assessment. If no hearing is requested within ten (10) days of the receipt of the notice, the penalty shall be final except as to judicial review in the Chancery Court of the First Judicial District of Hinds County. Upon the filing of a petition for judicial review, the court shall issue an order to the licensee requiring the licensee to show cause why it should not be entered. If the court determines, after a hearing upon the merits or after failure of the person to appear when so ordered, that the order of the department was properly issued, it shall grant the penalty sought by the department..

SECTION 27. Section 81-18-51, Mississippi Code of 1972, is amended as follows:

81-18-51. Sections 81-18-1 through 81-18-63 shall stand repealed on July 1, 2016.

SECTION 28. Section 81-18-53, Mississippi Code of 1972, is reenacted and amended as follows:

81-18-53. * * * The provisions of this chapter shall apply to the activities of retail sellers of manufactured homes to the extent as determined by the United States Department of Housing and Urban Development through guidelines, rules, regulations or interpretive letters or the United States Consumer Financial Protection Bureau.

* * *

SECTION 29. Section 81-18-61, Mississippi Code of 1972, is reenacted as follows:

81-18-61. (1) In addition to any other duties imposed upon the commissioner by law, the commissioner shall require mortgage loan originators to be licensed and registered through the Nationwide Mortgage Licensing System and Registry. In order to carry out this requirement, the commissioner is authorized to participate in the Nationwide Mortgage Licensing System and Registry. For this purpose, the commissioner may establish, by rule, regulation or order, requirements as necessary, including, but not limited to:

(a) Background checks for:

(i) Criminal history through fingerprint or other databases;

(ii) Civil or administrative records;

(iii) Credit history; or

(iv) Any other information as deemed necessary by the Nationwide Mortgage Licensing System and Registry;

(b) The payment of fees to apply for or renew licenses through the Nationwide Mortgage Licensing System and Registry;

(c) The setting or resetting as necessary of renewal or reporting dates; and

(d) Requirements for amending or surrendering a license or any other such activities as the commissioner deems necessary for participation in the Nationwide Mortgage Licensing System and Registry.

(2) The commissioner shall establish a process by which mortgage loan originators may challenge information entered into the Nationwide Mortgage Licensing System and Registry by the commissioner.

(3) In order to fulfill the purposes of this chapter, the commissioner is authorized to establish relationships or contracts

with the Nationwide Mortgage Licensing System and Registry or other entities designated by the Nationwide Mortgage Licensing System and Registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this chapter.

(4) A loan processor or underwriter who is an independent contractor may not engage in the activities of a loan processor or underwriter unless the independent contractor loan processor or underwriter obtains and maintains a license under Section 81-18-7(4). Each independent contractor loan processor or underwriter licensed as a mortgage loan originator must have and maintain a valid unique identifier issued by the Nationwide Mortgage Licensing System and Registry.

SECTION 30. Section 81-18-63, Mississippi Code of 1972, is reenacted as follows:

81-18-63. (1) Except as otherwise provided in Public Law 110-289, Section 1512, the requirements under any federal law or applicable state law regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry, and any privilege arising under federal or state law (including the rules of any federal or state court) with respect to that information or material, shall continue to apply to the information or material after the information or material has been disclosed to the Nationwide Mortgage Licensing System and Registry. The information and material may be shared with all state and federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal law or applicable state law.

(2) In order to promote more effective regulation and reduce regulatory burden through supervisory information sharing, the commissioner is authorized to enter agreements or sharing arrangements with other governmental agencies, the Conference of

State Bank Supervisors, the American Association of Residential Mortgage Regulators or other associations representing governmental agencies as established by rule, regulation or order of the commissioner.

(3) Information or material that is subject to a privilege or confidentiality under subsection (1) of this section shall not be subject to:

(a) Disclosure under any federal or state law governing the disclosure to the public of information held by an officer or an agency of the federal government or the respective state; or

(b) Subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Licensing System and Registry with respect to that information or material, the person to whom the information or material pertains waives, in whole or in part, in the discretion of the person, that privilege.

(4) Any applicable state law relating to the disclosure of confidential supervisory information or any information or material described in subsection (1) of this section that is inconsistent with subsection (1) shall be superseded by the requirements of this section.

(5) This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators that is included in the Nationwide Mortgage Licensing System and Registry for access by the public.

SECTION 31. (1) In addition to the activities prohibited under other provisions of this chapter, it shall be unlawful in the course of any residential mortgage loan transaction:

(a) For any person to fail to comply with the mortgage loan servicing transfer, escrow account administration, or borrower inquiry response requirements imposed by Sections 6 and

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10 of the Real Estate Settlement Procedures Act (RESPA) and regulations adopted thereunder;

(b) For a mortgage lender to fail to provide written notice to a borrower upon taking action to place hazard, homeowners, or flood insurance on the mortgaged property or to place such insurance when the mortgage lender knows or has reason to know that the insurance is in effect;

(c) For a mortgage lender to place hazard, homeowners or flood insurance on a mortgaged property for an amount that exceeds either the value of the insurable improvements or the last-known coverage amount of insurance;

(d) For a mortgage lender to fail to provide to the borrower a refund or earned premiums paid by a borrower or charged to the borrower for hazard, homeowners, or flood insurance placed by a mortgage lender if the borrower provides reasonable proof that the borrower has obtained coverage such that the forced placement is no longer necessary and the property is insured. If the borrower provides reasonable proof within twelve (12) months of the placement that no lapse in coverage occurred such that the forced placement was not necessary, the mortgage lender shall refund the entire premium;

(e) For a mortgage lender to refuse to reinstate a delinquent loan upon a tender of payment made timely under the contract which is sufficient in amount, based upon the last written statement received by the borrower, to pay all past-due amounts, outstanding or overdue charges, and restore the loan to a nondelinquent status, but his reinstatement shall be available to a borrower no more than twice in any twenty-four-month period;

(f) For a mortgage lender to fail to mail, at least forty-five (45) days before foreclosure is initiated, a notice addressed to the borrower at the borrower's last-known address with the following information:

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(i) An itemization of all past-due amounts causing the loan to be in default;

(ii) An itemization of any other charges that must be paid in order to bring the loan current;

(iii) A statement that the borrower may have options available other than foreclosure and that the borrower may discuss the options with the mortgage lender, or a counselor approved by the U.S. Department of Housing and Urban Development (HUD);

(iv) The address, telephone number, and other contact information for the mortgage lender or the agent for the mortgage lender who is authorized to attempt to work with the borrower to avoid foreclosure;

(v) The name, address, telephone number, and other contact information for one or more HUD-approved counseling agencies operating to assist borrowers in Mississippi to avoid foreclosure; and

(vi) The address, telephone number, and other contact information for the consumer complaint section of the Mississippi Department of Banking and Consumer Finance;

(g) For a mortgage lender to fail to make all payments from any escrow account held for the borrower for insurance, taxes and other charges with respect to the property in a timely manner so as to ensure that no late penalties are assessed or other negative consequences result regardless of whether the loan is delinquent, unless there are not sufficient funds in the account to cover the payments and the mortgage lender has a reasonable basis to believe that recovery of the funds will not be possible.

(2) The mortgage lender shall make reasonable attempts to comply with a borrower's request for information about the home loan account and to respond to any dispute initiated by the borrower about the loan account, as provided in this section. The mortgage lender shall maintain, until the home loan is paid in

full, otherwise satisfied, or sold, written or electronic records of each written request for information regarding a dispute or error involving the borrower's account. Specifically, the mortgage lender is required to do all of the following:

(a) Provide a written statement to the borrower within ten (10) business days of receipt of a written request from the borrower that includes or otherwise enables the mortgage lender to identify the name and account of the borrower and includes a statement that the account is or may be in error or otherwise provides sufficient detail to the mortgage lender regarding information sought by the borrower. The borrower is entitled to one such statement in any six-month period free of charge, and additional statements shall be provided if the borrower pays the mortgage lender a reasonable charge for preparing and furnishing the statement not to exceed Twenty-five Dollars (\$25.00). The statement shall include the following information if requested:

(i) Whether the account is current or, if the account is not current, an explanation of the default and the date the account went into default;

(ii) The current balance due on the loan, including the principal due, the amount of funds (if any) held in a suspense account, the amount of the escrow balance (if any) known to the mortgage lender, and whether there are any escrow deficiencies or shortages known to the mortgage lender;

(iii) The identity, address and other relevant information about the current holder, owner or assignee of the loan; and

(iv) The telephone number and mailing address of a mortgage lender representative with the information and authority to answer questions and resolve disputes;

(b) Provide the following information and/or documents within twenty-five (25) business days of receipt of a written request from the borrower that includes or otherwise enables the

mortgage lender to identify the name and account of the borrower and includes a statement that the account is or may be in error or otherwise provides sufficient detail to the mortgage lender regarding information sought by the borrower:

(i) A copy of the original note, or if unavailable, an affidavit of the lost note;

(ii) A statement that identifies and itemizes all fees and charges assessed under the loan transaction and provides a full payment history identifying in a clear and conspicuous manner all of the debits, credits, application of and disbursement of all payments received from or for the benefit of the borrower, and other activity on the home loan including escrow account activity and suspense account activity, if any. The period of the account history shall cover at a minimum the two-year period prior to the date of the receipt of the request for information. If the mortgage lender has not serviced the home loan for the entire two-year time period the mortgage lender shall provide the information going back to the date on which the mortgage lender began servicing the home loan. For purposes of this subsection, the date of the request for the information shall be presumed to be no later than thirty (30) days from the date of the receipt of the request. If the mortgage lender claims that any delinquent or outstanding sums are owed on the home loan prior to the two-year period or the period during which the mortgage lender has serviced the loan, the mortgage lender shall provide an account history beginning with the month that the mortgage lender claims any outstanding sums are owed on the loan up to the date of the request for the information. The borrower is entitled to one (1) such statement in any six-month period free of charge. Additional statements shall be provided if the borrower pays the mortgage lender a reasonable charge for preparing and furnishing the statement not to exceed Fifty Dollars (\$50.00); and

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(c) Promptly correct errors relating to the allocation of payments, the statement of account, or the payoff balance identified in any notice from the borrower provided in accordance with paragraph (b) of this subsection, or discovered through the due diligence of the mortgage lender or other means.

(3) A mortgage lender must comply as to every residential mortgage loan, regardless of whether the loan is considered in default or the borrower is in bankruptcy or the borrower has been in bankruptcy, with the following requirements:

(a) Any fee that is incurred by a mortgage lender shall be both:

(i) Assessed within forty-five (45) days of the date on which the fee was incurred. Provided, however, that attorney or trustee fees and costs incurred as a result of a foreclosure action shall be assessed within forty-five (45) days of the date they are charged by either the attorney or trustee to the mortgage lender; and

(ii) Explained clearly and conspicuously in a statement mailed to the borrower at the borrower's last-known address within thirty (30) days after assessing the fee, provided the mortgage lender shall not be required to take any action in violation of the provisions of the federal bankruptcy code. The mortgage lender shall not be required to send such a statement for a fee that: results from a service that is affirmatively requested by the borrower, is paid for by the borrower at the time the service is provided, and is not charged to the borrower's loan account.

(b) All amounts received by a mortgage lender on a home loan at the address where the borrower has been instructed to make payments shall be accepted and credited, or treated as credited, within one (1) business day of the date received, provided that the borrower has made the full contractual payment and has provided sufficient information to credit the account. If a

mortgage lender uses the scheduled method of accounting, any regularly scheduled payment made prior to the scheduled due date shall be credited no later than the due date. Provided, however, that if any payment is received and not credited, or treated as credited, the borrower shall be notified within ten (10) business days by mail at the borrower's last-known address of the disposition of the payment, the reason the payment was not credited, or treated as credited to the account, and any actions necessary by the borrower to make the loan current.

(c) The notification required by paragraph (b) of this subsection is not necessary if the mortgage lender complies with the terms of any agreement or plan made with the borrower and has applied and credited payments received in the manner required, and the mortgage lender is applying and crediting payments to the borrower's account in compliance with all applicable state and federal laws, including bankruptcy laws, and if at least one (1) of the following occurs:

(i) The borrower has entered into written loss mitigation, loan modification, or forbearance agreement with the mortgage lender that itemizes all amounts due and specifies how payments will be applied and credited;

(ii) The borrower has elected to participate in an alternative payment plan, such as a biweekly payment plan, that specifies as part of a written agreement how payments will be applied and credited; or

(iii) The borrower is making payments pursuant to a bankruptcy plan.

(d) Failure to charge the fee or provide the information within the allowable time and in the manner required under subsection (3)(a)(i) of this section constitutes a waiver of such fee.

(e) All fees charged by a mortgage lender must be otherwise permitted under applicable law and the contracts between

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the parties. Nothing herein is intended to permit the application of payments or method of charging interest which is less protective of the borrower than the contracts between the parties and other applicable law.

(f) A mortgage lender shall charge a sum or prepayment penalty for the prepayment of any residential mortgage loan only as authorized by Section 75-17-31.

(g) A mortgage lender shall charge a late payment charge only as authorized by Section 75-17-27.

(h) The costs of collection and reasonable attorney fees may not be in excess of twenty-five percent (25%) of the unpaid debt after default, when the debt has been referred to an attorney for collection.

(i) Charges or premiums for credit life insurance actually written on the life of the borrower or endorser in an amount not to exceed the total sum payable under the residential mortgage loan, including all interest, fees, costs and charges.

SECTION 32. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2898

Description: Budget Contingency Fund; all funds received by State from settlement in connection with oil spill shall be deposited into.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: Passage

Chapter Number: 558

History of Actions:

- 1 02/20 (S) Referred To Appropriations
- 2 02/28 (S) Title Suff Do Pass Comm Sub
- 3 03/13 (S) Committee Substitute Adopted
- 4 03/13 (S) Passed
- 5 03/15 (S) Transmitted To House
- 6 03/19 (H) Referred To Appropriations
- 7 04/03 (H) Title Suff Do Pass As Amended
- 8 04/04 (H) Amended
- 9 04/04 (H) Passed As Amended
- 10 04/05 (H) Returned For Concurrence
- 11 04/18 (S) Decline to Concur/Invite Conf
- 12 04/25 (S) Conferees Named Clarke, Hopson, Brown
- 13 04/30 (H) Conferees Named Frierson, DeLano, Read
- 14 04/30 (H) Conference Report Filed
- 15 04/30 (S) Conference Report Filed
- 16 05/01 (H) Conference Report Adopted
- 17 05/02 (S) Conference Report Adopted
- 18 05/07 (S) Enrolled Bill Signed
- 19 05/08 (H) Enrolled Bill Signed
- 20 05/23 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2898

Conference Reports:

Conference Report

----- Additional Information -----

Senate Committee: Appropriations

House Committee: Appropriations

Principal Author: Hopson

Additional Authors: Wiggins

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Hopson, Wiggins

To: Appropriations

SENATE BILL NO. 2898
(As Sent to Governor)

AN ACT TO PROVIDE THAT ALL FUNDS RECEIVED BY THE STATE OF MISSISSIPPI THROUGH A NEGOTIATED SETTLEMENT FOR ECONOMIC DAMAGES IN CONNECTION WITH THE DEEPWATER HORIZON OIL SPILL SHALL BE DEPOSITED INTO THE BUDGET CONTINGENCY FUND FOR APPROPRIATION BY THE LEGISLATURE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. All funds received by or on behalf of the State of Mississippi through a negotiated settlement for economic damages in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, except for any funds that are required by the settlement to be paid to any other public entity, shall be deposited into the Budget Contingency Fund for appropriation by the Legislature.

SECTION 2. This act shall take effect and be in force from and after its passage.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2899

Description: Budget Contingency Fund; transfer certain funds to.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: ** See Text

Chapter Number: 547

History of Actions:

1	02/20	(S)	Referred To Appropriations
2	03/06	(S)	Title Suff Do Pass Comm Sub
3	03/15	(S)	Committee Substitute Adopted
4	03/15	(S)	Passed
5	03/16	(S)	Transmitted To House
6	03/21	(H)	Referred To Appropriations
7	04/03	(H)	Title Suff Do Pass As Amended
8	04/04	(H)	Amended
9	04/04	(H)	Passed As Amended
10	04/05	(H)	Returned For Concurrence
11	04/18	(S)	Decline to Concur/Invite Conf
12	04/25	(S)	Conferees Named Clarke, Sojourner, Wiggins
13	04/25	(H)	Conferees Named Frierson, Huddleston (15th), Read
14	04/30	(S)	Conference Report Filed
15	04/30	(H)	Conference Report Filed
16	05/01	(S)	Conference Report Adopted
17	05/01	(H)	Conference Report Adopted
18	05/07	(S)	Enrolled Bill Signed
19	05/08	(H)	Enrolled Bill Signed
20	05/22		Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2899

Conference Reports:

Conference Report

Code Section: A 043-0013-0407, A 027-0007-0309, A 027-0065-0033, A 027-0067-0017

----- Additional Information -----

Senate Committee: Appropriations

House Committee: Appropriations

Principal Author: Clarke

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Clarke

To: Appropriations

SENATE BILL NO. 2899
(As Sent to Governor)

AN ACT TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER CERTAIN AMOUNTS TO THE BUDGET CONTINGENCY FUND FROM THE STATE GENERAL FUND AND CERTAIN SPECIAL FUNDS DURING FISCAL YEARS 2012 AND 2013; TO AMEND SECTION 43-13-407, MISSISSIPPI CODE OF 1972, TO TRANSFER A CERTAIN AMOUNT OF DOLLARS FROM THE HEALTH CARE TRUST FUND TO THE HEALTH CARE EXPENDABLE FUND IN FISCAL YEAR 2013; TO AMEND SECTIONS 27-7-309, 27-65-33 AND 27-67-17, MISSISSIPPI CODE OF 1972, WHICH REQUIRE THE EARLY PAYMENT OF WITHHOLDING, SALES AND USE TAX LIABILITY BY CERTAIN TAXPAYERS AND TO DELAY UNTIL 2013 THE IMPLEMENTATION OF THE INCREASE IN THE AMOUNT OF THE AVERAGE MONTHLY LIABILITY THAT TRIGGERS THE REQUIREMENT FOR EARLY PAYMENT; TO ALLOW THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY THE OPTION OF USING THE WORKING CASH-STABILIZATION RESERVE FUNDS AND/OR THE BUDGET CONTINGENCY FUND FOR DISASTER ASSISTANCE; TO REPEAL SECTION 4, CHAPTER 126, LAWS OF 2009 SECOND EXTRAORDINARY SESSION, WHICH REQUIRES THE STATE OF MISSISSIPPI TO REPAY A CERTAIN AMOUNT OF FUNDS TO THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) During fiscal year 2012, the State Fiscal Officer shall transfer to the Budget Contingency Fund created in Section 27-103-301, the amount listed below from the following fund:

AGENCY/FUND	FUND NO.	AMOUNT
State General Fund	2999	\$183,726,491.00

(2) During fiscal year 2013, the State Fiscal Officer shall transfer to the Budget Contingency Fund created in Section 27-103-301, out of the following enumerated funds, the amounts listed below from each fund:

AGENCY/FUND	FUND NO.	AMOUNT
State General Fund	2999	\$ 49,622,038.00
Hurricane Disaster Reserve Fund	3755	26,611,710.00
Department of Finance and Admin.		
Disaster Recovery Fund	3996	785,244.00

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Treasurer's Office-Unclaimed Prop.	3178	3,000,000.00
Capital Post-Conviction Counsel	3098	1,037,267.00
Department of Insurance	3501	6,000,000.00
Public Service Commission -		
Public Utilities	3812	536,872.00
IHL State Court Education Fund	3257	1,500,000.00
Working Cash-Stabilization		
Reserve Fund	3992	<u>99,562,168.00</u>
TOTAL		\$188,655,299.00

(3) During Fiscal Year 2013, the State Fiscal Officer shall transfer Four Hundred Thousand Dollars (\$400,000.00) from the Budget Contingency Fund to the Law Enforcement Officers and Fire Fighters Death Benefits Fund (Fund No. 371G).

The Department of Public Safety shall have authority to receive, budget and expend the Four Hundred Thousand Dollars (\$400,000.00) transferred to Fund No. 371G in this section. This escalation shall be done in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

(4) During Fiscal Year 2013, the State Fiscal Officer shall transfer Two Million Dollars (\$2,000,000.00) from the Department of Finance and Administration Air Transport Fund (Fund No. 3135) to the Capital Expense Fund (Fund No. 399C).

(5) During Fiscal Year 2013, the State Fiscal Officer shall transfer Thirty-three Thousand Four Hundred Twenty-two Dollars (\$33,422.00) from the Capital Post-Conviction Counsel Fund (Fund No. 3098) to the Judicial Performance Fund (Fund No. 3095). If House Bill No. 878, Regular Legislative Session of 2012, is enacted increasing Fiscal Year 2013 fees for the Judicial Performance Commission above the Fiscal Year 2012 level, the State Fiscal Officer shall not make the above-mentioned transfer from the Capital Post-Conviction Counsel Fund to the Judicial Performance Fund.

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(6) During Fiscal Year 2012, the State Fiscal Officer shall transfer Two Million Five Hundred Thousand Dollars (\$2,500,000.00) from the MMEIA-Tax Incentive Fund (Fund No. 34TT) to the Budget Contingency Fund (Fund No. 3177).

(7) During Fiscal Year 2013, the State Fiscal Officer shall transfer Ten Million Ninety-seven Thousand Four Hundred Forty-three Dollars (\$10,097,443.00) from the Capital Expense Fund (Fund No. 399C) to the Budget Contingency Fund (Fund No. 3177).

(8) During Fiscal Year 2013, the State Fiscal Officer shall transfer Three Million Dollars (\$3,000,000.00) from the Budget Contingency Fund (Fund No. 3177) to the Mississippi Development Authority.

The Mississippi Development Authority shall have authority to receive, budget and expend Three Million Dollars (\$3,000,000.00) of Budget Contingency Funds transferred in this section. This escalation shall be done in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

SECTION 2. Section 43-13-407, Mississippi Code of 1972, is amended as follows:

43-13-407. (1) In accordance with the purposes of this article, there is established in the State Treasury the Health Care Expendable Fund, into which shall be transferred from the Health Care Trust Fund the following sums:

(a) In fiscal year 2005, Four Hundred Fifty-six Million Dollars (\$456,000,000.00);

(b) In fiscal year 2006, One Hundred Eighty-six Million Dollars (\$186,000,000.00);

(c) In fiscal year 2007, One Hundred Eighty-six Million Dollars (\$186,000,000.00);

(d) In fiscal year 2008, One Hundred Six Million Dollars (\$106,000,000.00);

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(e) In fiscal year 2009, Ninety-two Million Two Hundred Fifty Thousand Dollars (\$92,250,000.00);

(f) In the fiscal year beginning after the calendar year in which none of the amount of the annual tobacco settlement installment payment will be deposited into the Health Care Expendable Fund as provided in subsection (3)(d) of this section, and in each fiscal year thereafter, a sum equal to the average annual amount of the dividends, interest and other income, including increases in value of the principal, earned on the funds in the Health Care Trust Fund during the preceding four (4) fiscal years.

(2) In any fiscal year in which interest, dividends and other income from the investment of the funds in the Health Care Trust Fund are not sufficient to fund the full amount of the annual transfer into the Health Care Expendable Fund as required in subsection (1)(f) of this section, the State Treasurer shall transfer from tobacco settlement installment payments an amount that is sufficient to fully fund the amount of the annual transfer.

(3) Beginning with calendar year 2009, at the time that the State of Mississippi receives the tobacco settlement installment payment for each calendar year, the State Treasurer shall deposit the following amounts of each of those installment payments into the Health Care Expendable Fund:

(a) In calendar years 2009 and 2010, the total amount of the installment payment;

(b) In calendar year 2011, the amount of the installment payment less Ten Million Dollars (\$10,000,000.00);

(c) In calendar year 2012, the total amount of the installment payment;

(d) In calendar year 2013, and each calendar year thereafter, the amount of the installment payment to be deposited into the Health Care Expendable Fund shall be reduced by an

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additional Ten Million Dollars (\$10,000,000.00) each calendar year until the calendar year that the amount of the installment payment that otherwise would be deposited into the Health Care Expendable Fund is less than the average annual amount of the dividends, interest and other income, including increases in value of the principal, earned on the funds in the Health Care Trust Fund during the preceding four (4) fiscal years. Beginning with that calendar year and each calendar year thereafter, none of the amount of the installment payment shall be deposited into the Health Care Expendable Fund.

(4) (a) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of One Hundred Twelve Million Dollars (\$112,000,000.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund in fiscal year 2011.

(b) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of Fifty-six Million Two Hundred Sixty-three Thousand Four Hundred Thirty-eight Dollars (\$56,263,438.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2012.

(c) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of Ninety-seven Million Four Hundred Fifty Thousand Three Hundred Thirty-two Dollars (\$97,450,332.00) shall be transferred from the Health Care Trust fund to the Health Care Expendable Fund during fiscal year 2013.

(5) If Medicaid expenditures are projected to exceed the amount of funds appropriated to the Division of Medicaid in any fiscal year in excess of the expenditure reductions to providers, funds shall be transferred by the State Fiscal Officer from the Health Care Trust Fund into the Health Care Expendable Fund and then to the Governor's Office, Division of Medicaid, in the amount

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and at such time as requested by the Governor to reconcile the deficit.

(6) All income from the investment of the funds in the Health Care Expendable Fund shall be credited to the account of the Health Care Expendable Fund. Any funds in the Health Care Expendable Fund at the end of a fiscal year shall not lapse into the State General Fund.

(7) The funds in the Health Care Expendable Fund shall be available for expenditure under specific appropriation by the Legislature beginning in fiscal year 2000, and shall be expended exclusively for health care purposes.

(8) The provisions of subsection (1) of this section may not be changed in any manner except upon amendment to that subsection by a bill enacted by the Legislature with a vote of not less than three-fifths ($3/5$) of the members of each house present and voting.

(9) If the State Treasurer, in consultation with the Executive Director of the Department of Finance and Administration, determines that there is a need to borrow funds to offset any temporary cash flow deficiencies in the Health Care Expendable Fund created in this section, the Treasurer may borrow those funds from any state-source special funds in the State Treasury in amounts that can be repaid from the Health Care Expendable Fund during the fiscal year in which the funds are borrowed. The State Treasurer shall immediately notify the Legislative Budget Office and the Department of Finance and Administration of each transfer into and out of the Health Care Expendable Fund.

(10) No later than September 30, 2011, the State Treasurer shall transfer from the Health Care Expendable Fund to the Health Care Trust Fund an amount equivalent to the unencumbered ending cash balance of the Health Care Expendable Fund as of June 30,

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2011, less Three Million Eight Hundred Forty Thousand Dollars (\$3,840,000.00).

(11) Subsections (1), (2), (5), (6) and (7) of this section shall stand repealed on July 1, 2013.

SECTION 3. Section 27-7-309, Mississippi Code of 1972, is amended as follows:

[Until July 1, 2013, this section shall read as follows:]

27-7-309. (1) (a) Except as otherwise provided in this subsection, every employer required to deduct and withhold from wages under this article shall, for each calendar quarter, on or before the fifteenth day of the month following the close of such calendar quarter, file a withholding return as prescribed by the commissioner and pay over to the commissioner the full amount required to be deducted and withheld from wages by such employer for the calendar quarter. Provided that the commissioner may, by regulation, provide that every such employer shall, on or before the fifteenth day of each month, pay over to the commissioner or a depository designated by the commissioner, the amount required to be deducted and withheld by such employer for the preceding month, if such amount is One Hundred Dollars (\$100.00) or more. Returns and payments placed in the mail must be postmarked by the due date in order to be timely filed, except when the due date falls on a weekend or holiday, returns and payments placed in the mail must be postmarked by the first working day following the due date in order to be considered timely filed.

(b) An employer having an average monthly withholding tax liability of at least Twenty Thousand Dollars (\$20,000.00) for the preceding calendar year shall pay to the Department of Revenue on or before June 25, 2003, and on or before the twenty-fifth day of June of each succeeding year thereafter, an amount equal to at least seventy-five percent (75%) of such employer's estimated withholding tax liability for the month of June of the current taxable year, or an amount equal to at least seventy-five percent

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(75%) of the employer's withholding tax liability for the month of June of the preceding taxable year. Payments required to be made under this paragraph must be received by the Department of Revenue no later than June 25 in order to be considered timely made. An employer that fails to comply with the requirements of this paragraph may be assessed a penalty in an amount equal to ten percent (10%) of the difference between any amount the taxpayer pays pursuant to this paragraph and the employer's actual withholding tax liability for the month of June for which the estimated payment was required to be made. This paragraph shall not apply to any agency, department or instrumentality of the United States, any agency, department, institution, instrumentality or political subdivision of the State of Mississippi, or any agency, department, institution or instrumentality of any political subdivision of the State of Mississippi. Payments made pursuant to this paragraph for the month of June 2003, less One Hundred Thousand Dollars (\$100,000.00) thereof to be retained by the Department of Revenue to defray the costs of collection, shall be deposited by the Department of Revenue into the Budget Contingency Fund created under Section 27-103-301, and payments made pursuant to this paragraph for the month of June * * * 2004, and each succeeding year thereafter, less One Hundred Thousand Dollars (\$100,000.00) thereof to be retained by the Department of Revenue each year to defray the costs of collection, shall be deposited by the Department of Revenue into the State General Fund.

(c) The commissioner may promulgate rules and regulations to require or permit filing periods of any duration, in lieu of monthly or quarterly filing periods, for any taxpayer or group thereof.

(2) Notwithstanding any of the other provisions of this section, all transient employers and all employers engaged in any business which is seasonal shall make return and pay over to the

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commissioner on a monthly basis, the full amounts required to be deducted and withheld from the wages by such employer for the calendar month. Such returns and payments to the commissioner by such employers shall be made on or before the fifteenth day of the month following the month for which such amounts were deducted and withheld from the wages of his employees. The commissioner shall have the authority to issue reasonable rules and regulations designating or classifying those transient and seasonal employers.

(3) If the commissioner, in any case, has justifiable reason to believe that the collection of funds required to be withheld by any employer as provided herein is in jeopardy, he may require the employer to file a return and pay such amount required to be withheld at any time.

(4) Every employer who fails to withhold or pay to the commissioner any sums required by this article to be withheld and paid, shall be personally and individually liable therefor, except as provided in Section 27-7-307; and any sum or sums withheld in accordance with the provisions of this article shall be deemed to be held in trust for the State of Mississippi and shall be recorded by the employer in a ledger account so as to clearly indicate the amount of tax withheld and that the amount is the property of the State of Mississippi.

(5) Once an employer has become liable to a quarterly return of withholding, he must continue to file a quarterly report, even though no tax has been withheld, until such time as he notifies the commissioner, in writing, that he no longer has employees or that he is no longer liable for such quarterly returns.

(6) Once an employer has become liable to a monthly return of withholding, he must continue to file a monthly report, even though no tax has been withheld until such time as he notifies the commissioner, in writing, that he no longer has employees or that he is no longer liable for such monthly returns.

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(7) Magnetic media reporting may be required in a manner to be determined by the commissioner.

[From and after July 1, 2013, this section shall read as follows:]

27-7-309. (1) (a) Except as otherwise provided in this subsection, every employer required to deduct and withhold from wages under this article shall, for each calendar quarter, on or before the fifteenth day of the month following the close of such calendar quarter, file a withholding return as prescribed by the commissioner and pay over to the commissioner the full amount required to be deducted and withheld from wages by such employer for the calendar quarter. Provided that the commissioner may, by regulation, provide that every such employer shall, on or before the fifteenth day of each month, pay over to the commissioner or a depository designated by the commissioner, the amount required to be deducted and withheld by such employer for the preceding month, if such amount is One Hundred Dollars (\$100.00) or more. Returns and payments placed in the mail must be postmarked by the due date in order to be timely filed, except when the due date falls on a weekend or holiday, returns and payments placed in the mail must be postmarked by the first working day following the due date in order to be considered timely filed.

(b) An employer having an average monthly withholding tax liability of at least Fifty Thousand Dollars (\$50,000.00) for the preceding calendar year shall pay to the Department of Revenue on or before June 25, 2014, and on or before the twenty-fifth day of June of each succeeding year thereafter, an amount equal to at least seventy-five percent (75%) of such employer's estimated withholding tax liability for the month of June of the current taxable year, or an amount equal to at least seventy-five percent (75%) of the employer's withholding tax liability for the month of June of the preceding taxable year. Payments required to be made under this paragraph must be received by the Department of Revenue

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no later than June 25 in order to be considered timely made. An employer that fails to comply with the requirements of this paragraph may be assessed a penalty in an amount equal to ten percent (10%) of the difference between any amount the taxpayer pays pursuant to this paragraph and the employer's actual withholding tax liability for the month of June for which the estimated payment was required to be made. This paragraph shall not apply to any agency, department or instrumentality of the United States, any agency, department, institution, instrumentality or political subdivision of the State of Mississippi, or any agency, department, institution or instrumentality of any political subdivision of the State of Mississippi. Payments made pursuant to this paragraph for the month of June, less One Hundred Thousand Dollars (\$100,000.00) thereof to be retained by the Department of Revenue each year to defray the costs of collection, shall be deposited by the Department of Revenue into the State General Fund.

(c) The commissioner may promulgate rules and regulations to require or permit filing periods of any duration, in lieu of monthly or quarterly filing periods, for any taxpayer or group thereof.

(2) Notwithstanding any of the other provisions of this section, all transient employers and all employers engaged in any business which is seasonal shall make return and pay over to the commissioner on a monthly basis, the full amounts required to be deducted and withheld from the wages by such employer for the calendar month. Such returns and payments to the commissioner by such employers shall be made on or before the fifteenth day of the month following the month for which such amounts were deducted and withheld from the wages of his employees. The commissioner shall have the authority to issue reasonable rules and regulations designating or classifying those transient and seasonal employers.

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(3) If the commissioner, in any case, has justifiable reason to believe that the collection of funds required to be withheld by any employer as provided herein is in jeopardy, he may require the employer to file a return and pay such amount required to be withheld at any time.

(4) Every employer who fails to withhold or pay to the commissioner any sums required by this article to be withheld and paid, shall be personally and individually liable therefor, except as provided in Section 27-7-307; and any sum or sums withheld in accordance with the provisions of this article shall be deemed to be held in trust for the State of Mississippi and shall be recorded by the employer in a ledger account so as to clearly indicate the amount of tax withheld and that the amount is the property of the State of Mississippi.

(5) Once an employer has become liable to a quarterly return of withholding, he must continue to file a quarterly report, even though no tax has been withheld, until such time as he notifies the commissioner, in writing, that he no longer has employees or that he is no longer liable for such quarterly returns.

(6) Once an employer has become liable to a monthly return of withholding, he must continue to file a monthly report, even though no tax has been withheld until such time as he notifies the commissioner, in writing, that he no longer has employees or that he is no longer liable for such monthly returns.

(7) Magnetic media reporting may be required in a manner to be determined by the commissioner.

SECTION 4. Section 27-65-33, Mississippi Code of 1972, is amended as follows:

[Until July 1, 2013, this section shall read as follows:]

27-65-33. (1) Except as otherwise provided in this section, the taxes levied by this chapter shall be due and payable on or before the twentieth day of the month next succeeding the month in which the tax accrues, except as otherwise provided. Returns and

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payments placed in the mail must be postmarked by the due date in order to be considered timely filed, except when the due date falls on a weekend or holiday, returns and payments placed in the mail must be postmarked by the first working day following the due date in order to be considered timely filed. The taxpayer shall make a return showing the gross proceeds of sales or the gross income of the business, and any and all allowable deductions, or exempt sales, and compute the tax due for the period covered.

As compensation for collecting sales and use taxes, complying fully with the applicable statutes, filing returns and supplements thereto and paying all taxes by the twentieth of the month following the period covered, the taxpayer may discount and retain two percent (2%) of the liability on each return subject to the following limitations:

(a) The compensation or discount shall not apply to taxes levied under the provisions of Sections 27-65-19 and 27-65-21, or on charges for ginning cotton under Section 27-65-23.

(b) The compensation or discount shall not apply to taxes collected by a county official or state agency.

(c) The compensation or discount shall not exceed Fifty Dollars (\$50.00) per month, or Six Hundred Dollars (\$600.00) per calendar year, per business location on each state sales tax return, or on each use tax return.

(d) The compensation or discount shall not apply to any wholesale tax, the rate of which is equal to or greater than the tax rate applicable to retail sales of the same property or service. The retailer of such items shall be entitled to the compensation based on the tax computed on retail sales before application of the credit for any tax paid to the wholesaler, jobber, or other person.

(e) The compensation or discount allowed and taken for any filing period may be reassessed and collected when an audit of a taxpayer's records reveals a tax deficiency for that period.

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(2) A taxpayer required to collect sales taxes under this chapter and having an average monthly sales tax liability of at least Twenty Thousand Dollars (\$20,000.00) for the preceding calendar year shall pay to the Department of Revenue on or before June 25, 2003, and on or before the twenty-fifth day of June of each succeeding year thereafter, an amount equal to at least seventy-five percent (75%) of such taxpayer's estimated sales tax liability for the month of June of the current calendar year, or an amount equal to at least seventy-five percent (75%) of the taxpayer's sales tax liability for the month of June of the preceding calendar year. Payments required to be made under this subsection must be received by the Department of Revenue no later than June 25 in order to be considered timely made. A taxpayer that fails to comply with the requirements of this subsection may be assessed a penalty in an amount equal to ten percent (10%) of the difference between any amount the taxpayer pays pursuant to this subsection and the taxpayer's actual sales tax liability for the month of June for which the estimated payment was required to be made. Payments made by a taxpayer under this subsection shall not be considered to be collected for the purposes of any sales tax diversions required by law until the taxpayer files a return for the actual sales taxes collected during the month of June. This subsection shall not apply to any agency, department or instrumentality of the United States, any agency, department, institution, instrumentality or political subdivision of the State of Mississippi, or any agency, department, institution or instrumentality of any political subdivision of the State of Mississippi. Payments made pursuant to this subsection for the month of June 2003, shall be deposited by the Department of Revenue into the Budget Contingency Fund created under Section 27-103-301, and payments made pursuant to this subsection for the month of June * * * 2004, and each succeeding year thereafter,

shall be deposited by the Department of Revenue into the State General Fund.

(3) All returns shall be sworn to by the taxpayer, if made by an individual, or by the president, vice president, secretary or treasurer of a corporation, or authorized agent, if made on behalf of a corporation. If made on behalf of a partnership, joint venture, association, trust, estate, or in any other group or combination acting as a unit, any individual delegated by such firm shall swear to the return on behalf of the taxpayer. The commissioner may prescribe methods by which the taxpayer may swear to his return.

(4) The commissioner may promulgate rules and regulations to require or permit filing periods of any duration, in lieu of monthly filing periods, for any taxpayer or group thereof.

(5) The commissioner may require the execution and filing by the taxpayer with the commissioner of a good and solvent bond with some surety company authorized to do business in Mississippi as surety thereon in an amount double the aggregate tax liability by such taxpayer for any previous three (3) months' period within the last calendar year or estimated three (3) months' tax liability. The bond is to be conditioned for the prompt payment of such taxes as may be due for each such return.

(6) The commissioner, for good cause, may grant such reasonable additional time within which to make any return required under the provisions of this chapter as he may deem proper, but the time for filing any return shall not be extended beyond the twentieth of the month next succeeding the regular due date of the return without the imposition of interest at the rate of one percent (1%) per month or fractional part of a month from the time the return was due until the tax is paid.

(7) For persistent, willful, or recurring failure to make any return and pay the tax shown thereby to be due by the time specified, there shall be added to the amount of tax shown to be

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due ten percent (10%) damages, or interest at the rate of one percent (1%) per month, or both.

(8) Any taxpayer may, upon making application therefor, obtain from the commissioner an extension of time for the payment of taxes due on credit sales until collections thereon have been made. When such extension is granted, the taxpayer shall thereafter include in each monthly or quarterly report all collections made during the preceding month or quarter, and shall pay the taxes due thereon at the time of filing such report. Such permission may be revoked or denied at the discretion of the commissioner when, in his opinion, a total sales basis will best reflect the taxable income or expedite examination of the taxpayer's records.

(9) Any taxpayer reporting credit sales before collection thereof has been made may take credit on subsequent returns or reports for bad debts actually charged off, if such amounts charged off have previously been included in taxable gross income or taxable gross proceeds of sales, as the case may be, and the tax paid thereon. However, any amounts subsequently collected on accounts that have been charged off as bad debts shall be included in subsequent reports and the tax shall be paid thereon.

(10) In cases where an extension of time has been granted by the commissioner for payment of taxes due on credit sales and the taxpayer thereafter discontinues the business, such taxpayer shall be required to file with the commissioner within ten (10) days, or such further time as the commissioner may direct, from the date of the discontinuance of such business, a special report showing the amounts of any credit sales which have not been included in determining the measure of the tax previously paid and any other information with reference to credit sales as the commissioner may require. The commissioner shall thereupon investigate the facts with reference to credit sales and the condition of the accounts, and shall determine, from the best evidence available, the value

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of all open accounts, notes, or other evidence of debt arising from credit sales. The value of all notes, open accounts and other evidence of debt, as thus determined by the commissioner, shall be used in determining the amount of the tax for which such taxpayer shall be liable. When the amount of the tax shall have been ascertained, the taxpayer shall be required to pay the same within ten (10) days or such further time as the commissioner may allow, notwithstanding the fact that such note or accounts may still remain uncollected.

[From and after July 1, 2013, this section shall read as follows:]

27-65-33. (1) Except as otherwise provided in this section, the taxes levied by this chapter shall be due and payable on or before the twentieth day of the month next succeeding the month in which the tax accrues, except as otherwise provided. Returns and payments placed in the mail must be postmarked by the due date in order to be considered timely filed, except when the due date falls on a weekend or holiday, returns and payments placed in the mail must be postmarked by the first working day following the due date in order to be considered timely filed. The taxpayer shall make a return showing the gross proceeds of sales or the gross income of the business, and any and all allowable deductions, or exempt sales, and compute the tax due for the period covered.

As compensation for collecting sales and use taxes, complying fully with the applicable statutes, filing returns and supplements thereto and paying all taxes by the twentieth of the month following the period covered, the taxpayer may discount and retain two percent (2%) of the liability on each return subject to the following limitations:

(a) The compensation or discount shall not apply to taxes levied under the provisions of Sections 27-65-19 and 27-65-21, or on charges for ginning cotton under Section 27-65-23.

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(b) The compensation or discount shall not apply to taxes collected by a county official or state agency.

(c) The compensation or discount shall not exceed Fifty Dollars (\$50.00) per month, or Six Hundred Dollars (\$600.00) per calendar year, per business location on each state sales tax return, or on each use tax return.

(d) The compensation or discount shall not apply to any wholesale tax, the rate of which is equal to or greater than the tax rate applicable to retail sales of the same property or service. The retailer of such items shall be entitled to the compensation based on the tax computed on retail sales before application of the credit for any tax paid to the wholesaler, jobber or other person.

(e) The compensation or discount allowed and taken for any filing period may be reassessed and collected when an audit of a taxpayer's records reveals a tax deficiency for that period.

(2) A taxpayer required to collect sales taxes under this chapter and having an average monthly sales tax liability of at least Fifty Thousand Dollars (\$50,000.00) for the preceding calendar year shall pay to the Department of Revenue on or before June 25, 2014, and on or before the twenty-fifth day of June of each succeeding year thereafter, an amount equal to at least seventy-five percent (75%) of such taxpayer's estimated sales tax liability for the month of June of the current calendar year, or an amount equal to at least seventy-five percent (75%) of the taxpayer's sales tax liability for the month of June of the preceding calendar year. For the purposes of calculating a taxpayer's estimated sales tax liability for the month of June of the current calendar year, the taxpayer does not have to include taxes due on credit sales for which the taxpayer has not received payment before June 20. Payments required to be made under this subsection must be received by the Department of Revenue no later than June 25 in order to be considered timely made. A taxpayer

that fails to comply with the requirements of this subsection may be assessed a penalty in an amount equal to ten percent (10%) of the difference between any amount the taxpayer pays pursuant to this subsection and the taxpayer's actual sales tax liability for the month of June for which the estimated payment was required to be made. Payments made by a taxpayer under this subsection shall not be considered to be collected for the purposes of any sales tax diversions required by law until the taxpayer files a return for the actual sales taxes collected during the month of June. This subsection shall not apply to any agency, department or instrumentality of the United States, any agency, department, institution, instrumentality or political subdivision of the State of Mississippi, or any agency, department, institution or instrumentality of any political subdivision of the State of Mississippi.

(3) All returns shall be sworn to by the taxpayer, if made by an individual, or by the president, vice president, secretary or treasurer of a corporation, or authorized agent, if made on behalf of a corporation. If made on behalf of a partnership, joint venture, association, trust, estate, or in any other group or combination acting as a unit, any individual delegated by such firm shall swear to the return on behalf of the taxpayer. The commissioner may prescribe methods by which the taxpayer may swear to his return.

(4) The commissioner may promulgate rules and regulations to require or permit filing periods of any duration, in lieu of monthly filing periods, for any taxpayer or group thereof.

(5) The commissioner may require the execution and filing by the taxpayer with the commissioner of a good and solvent bond with some surety company authorized to do business in Mississippi as surety thereon in an amount double the aggregate tax liability by such taxpayer for any previous three-month period within the last calendar year or estimated three (3) months' tax liability. The

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bond is to be conditioned for the prompt payment of such taxes as may be due for each such return.

(6) The commissioner, for good cause, may grant such reasonable additional time within which to make any return required under the provisions of this chapter as he may deem proper, but the time for filing any return shall not be extended beyond the twentieth of the month next succeeding the regular due date of the return without the imposition of interest at the rate of one percent (1%) per month or fractional part of a month from the time the return was due until the tax is paid.

(7) For persistent, willful or recurring failure to make any return and pay the tax shown thereby to be due by the time specified, there shall be added to the amount of tax shown to be due ten percent (10%) damages, or interest at the rate of one percent (1%) per month, or both.

(8) Any taxpayer may, upon making application therefor, obtain from the commissioner an extension of time for the payment of taxes due on credit sales until collections thereon have been made. When such extension is granted, the taxpayer shall thereafter include in each monthly or quarterly report all collections made during the preceding month or quarter, and shall pay the taxes due thereon at the time of filing such report. Such permission may be revoked or denied at the discretion of the commissioner when, in his opinion, a total sales basis will best reflect the taxable income or expedite examination of the taxpayer's records.

(9) Any taxpayer reporting credit sales before collection thereof has been made may take credit on subsequent returns or reports for bad debts actually charged off, if such amounts charged off have previously been included in taxable gross income or taxable gross proceeds of sales, as the case may be, and the tax paid thereon. However, any amounts subsequently collected on

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accounts that have been charged off as bad debts shall be included in subsequent reports and the tax shall be paid thereon.

(10) In cases where an extension of time has been granted by the commissioner for payment of taxes due on credit sales and the taxpayer thereafter discontinues the business, such taxpayer shall be required to file with the commissioner within ten (10) days, or such further time as the commissioner may direct, from the date of the discontinuance of such business, a special report showing the amounts of any credit sales which have not been included in determining the measure of the tax previously paid and any other information with reference to credit sales as the commissioner may require. The commissioner shall thereupon investigate the facts with reference to credit sales and the condition of the accounts, and shall determine, from the best evidence available, the value of all open accounts, notes or other evidence of debt arising from credit sales. The value of all notes, open accounts and other evidence of debt, as thus determined by the commissioner, shall be used in determining the amount of the tax for which such taxpayer shall be liable. When the amount of the tax shall have been ascertained, the taxpayer shall be required to pay the same within ten (10) days or such further time as the commissioner may allow, notwithstanding the fact that such note or accounts may still remain uncollected.

SECTION 5. Section 27-67-17, Mississippi Code of 1972, is amended as follows:

[Until July 1, 2013, this section shall read as follows:]

27-67-17. (1) Except as otherwise provided in this section, the commissioner shall collect the tax imposed by this article, and every person subject to its provisions shall remit to the commissioner, on or before the twentieth day of each month, the amount of tax due by such person for the preceding calendar month. Returns and payments placed in the mail must be postmarked by the due date in order to be timely filed, except that when the due

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date falls on a weekend or holiday, returns and payments placed in the mail must be postmarked by the first working day following the due date in order to be considered timely filed. Every taxpayer shall file a return with his remittance, which return shall be prescribed by the commissioner and shall show for the calendar month preceding the tax payment date, the total sale or purchase price, or value of tangible personal property or specified digital products sold, used, stored or consumed by him for benefit received or service performed, and such other information as the commissioner may deem pertinent and necessary for determining the amount of tax due thereunder.

(2) The commissioner, in his discretion, may authorize in writing the filing of returns and the payment of tax on a quarterly basis by any person required or authorized to pay the tax imposed, such authority to be subject to revocation for good cause by the commissioner.

(3) In instances where it is impractical to file returns and pay the tax monthly or quarterly, the commissioner may authorize the filing of semiannual or annual returns.

(4) A taxpayer required to collect use taxes under this article and having an average monthly use tax liability of at least Twenty Thousand Dollars (\$20,000.00) for the preceding calendar year shall pay to the Department of Revenue on or before June 25, 2003, and on or before the twenty-fifth day of June of each succeeding year thereafter, an amount equal to at least seventy-five percent (75%) of such taxpayer's estimated use tax liability for the month of June of the current calendar year, or an amount equal to at least seventy-five percent (75%) of the taxpayer's use tax liability for the month of June of the preceding calendar year. Payments required to be made under this subsection must be received by the Department of Revenue no later than June 25 in order to be considered timely made. A taxpayer that fails to comply with the requirements of this subsection may

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be assessed a penalty in an amount equal to ten percent (10%) of the difference between any amount the taxpayer pays pursuant to this subsection and the taxpayer's actual use tax liability for the month of June for which the estimated payment was required to be made. Payments made by a taxpayer under this subsection shall not be considered to be collected for the purposes of any use tax diversions required by law until the taxpayer files a return for the actual use taxes collected during the month of June. This subsection shall not apply to any agency, department or instrumentality of the United States, any agency, department, institution, instrumentality or political subdivision of the State of Mississippi, or any agency, department, institution or instrumentality of any political subdivision of the State of Mississippi.

(5) The commissioner, in his discretion, may authorize the computation of the tax on the basis of a formula in lieu of direct accounting of specific properties in instances where such method will expedite, simplify or provide a more equitable means of determining liability under this article. All formulas shall be subject to revocation for good cause by the commissioner.

[From and after July 1, 2013, this section shall read as follows:]

27-67-17. (1) Except as otherwise provided in this section, the commissioner shall collect the tax imposed by this article, and every person subject to its provisions shall remit to the commissioner, on or before the twentieth day of each month, the amount of tax due by such person for the preceding calendar month. Returns and payments placed in the mail must be postmarked by the due date in order to be timely filed, except that when the due date falls on a weekend or holiday, returns and payments placed in the mail must be postmarked by the first working day following the due date in order to be considered timely filed. Every taxpayer shall file a return with his remittance, which return shall be

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prescribed by the commissioner and shall show for the calendar month preceding the tax payment date, the total sale or purchase price, or value of tangible personal property or specified digital products sold, used, stored or consumed by him for benefit received or service performed, and such other information as the commissioner may deem pertinent and necessary for determining the amount of tax due thereunder.

(2) The commissioner, in his discretion, may authorize in writing the filing of returns and the payment of tax on a quarterly basis by any person required or authorized to pay the tax imposed, such authority to be subject to revocation for good cause by the commissioner.

(3) In instances where it is impractical to file returns and pay the tax monthly or quarterly, the commissioner may authorize the filing of semiannual or annual returns.

(4) A taxpayer required to collect use taxes under this article and having an average monthly use tax liability of at least Fifty Thousand Dollars (\$50,000.00) for the preceding calendar year shall pay to the Department of Revenue on or before June 25, 2014, and on or before the twenty-fifth day of June of each succeeding year thereafter, an amount equal to at least seventy-five percent (75%) of such taxpayer's estimated use tax liability for the month of June of the current calendar year, or an amount equal to at least seventy-five percent (75%) of the taxpayer's use tax liability for the month of June of the preceding calendar year. Payments required to be made under this subsection must be received by the Department of Revenue no later than June 25 in order to be considered timely made. A taxpayer that fails to comply with the requirements of this subsection may be assessed a penalty in an amount equal to ten percent (10%) of the difference between any amount the taxpayer pays pursuant to this subsection and the taxpayer's actual use tax liability for the month of June for which the estimated payment was required to

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be made. Payments made by a taxpayer under this subsection shall not be considered to be collected for the purposes of any use tax diversions required by law until the taxpayer files a return for the actual use taxes collected during the month of June. This subsection shall not apply to any agency, department or instrumentality of the United States, any agency, department, institution, instrumentality or political subdivision of the State of Mississippi, or any agency, department, institution or instrumentality of any political subdivision of the State of Mississippi.

(5) The commissioner, in his discretion, may authorize the computation of the tax on the basis of a formula in lieu of direct accounting of specific properties in instances where such method will expedite, simplify or provide a more equitable means of determining liability under this article. All formulas shall be subject to revocation for good cause by the commissioner.

SECTION 6. It is the intention of the Legislature that whenever the Director of the Mississippi Emergency Management Agency determines that funds are immediately needed in the Disaster Assistance Trust Fund to provide for disaster assistance under this section, he shall notify the Executive Director of the Department of Finance and Administration of his determination and shall requisition the amount of funds from the Working Cash-Stabilization Reserve Fund (Fund No. 3992) and/or the Budget Contingency Fund (Fund No. 3177) that are needed in the trust fund, which shall be subject to the limitations set forth below in this section. At the same time he makes the requisition, the director shall notify the Lieutenant Governor, the Speaker of the House of Representatives and the respective Chairmen of the Senate Appropriations Committee, the Senate Finance Committee, the House Appropriations Committee and the House Ways and Means Committee of his determination of the need for the funds and the amount that he has requisitioned. Upon receipt of such a requisition from the

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director, the Executive Director of the Department of Finance and Administration shall ascertain if the amount requisitioned is available in the Working Cash-Stabilization Reserve Fund (Fund No. 3992) and/or the Budget Contingency Fund (Fund No. 3177) and is within the limitations set forth below in this section and, if it is, he shall transfer that amount from the Working Cash-Stabilization Reserve Fund (Fund No. 3992) and/or the Budget Contingency Fund (Fund No. 3177) to the trust fund. If the amount requisitioned is more than the amount available in the Working Cash-Stabilization Reserve Fund (Fund No. 3992) and/or the Budget Contingency Fund (Fund No. 3177) or above the limitations set forth below in this section, the executive director shall transfer the amount that is available within the limitations. The maximum amount that may be transferred from the Working Cash-Stabilization Reserve Fund (Fund No. 3992) and/or the Budget Contingency Fund (Fund No. 3177) to the trust fund for any one (1) disaster occurrence shall be Five Hundred Thousand Dollars (\$500,000.00) and the maximum amount that may be transferred during any fiscal year shall be One Million Dollars (\$1,000,000.00).

It is the intention of the Legislature, that during the subsequent legislative session, consideration shall be given to provide an appropriation equal to the amount transferred from the Working Cash-Stabilization Reserve Fund (Fund No. 3992) and/or the Budget Contingency Fund (Fund No. 3177) to the Disaster Assistance Trust Fund under the provisions of this section as repayment to the Working Cash-Stabilization Reserve Fund (Fund No. 3992) and/or the Budget Contingency Fund.

SECTION 7. Section 4, Chapter 126, Laws of 2009 Second Extraordinary Session, which requires the State of Mississippi to repay a certain amount of funds to the Mississippi Department of Transportation, is repealed.

SECTION 8. This act shall take effect and be in force from and after July 1, 2012, except for Section 1(1) and (6) which

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shall take effect and be in force from and after the passage of this act.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2902

Description: Contractors; must obtain authorization before negotiating certain checks.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 506

History of Actions:

- 1 02/20 (S) Referred To Business and Financial Institutions
- 2 02/29 (S) Title Suff Do Pass Comm Sub
- 3 03/12 (S) Committee Substitute Adopted
- 4 03/12 (S) Passed
- 5 03/14 (S) Transmitted To House
- 6 03/19 (H) Referred To Judiciary B
- 7 03/29 (H) Title Suff Do Pass As Amended
- 8 04/05 (H) Amended
- 9 04/05 (H) Passed As Amended
- 10 04/09 (H) Returned For Concurrence
- 11 04/18 (S) Concurred in Amend From House
- 12 04/23 (S) Enrolled Bill Signed
- 13 04/23 (H) Enrolled Bill Signed
- 14 05/01 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2902

----- Additional Information -----

Senate Committee: Business and Financial Institutions

House Committee: Judiciary B

Principal Author: McDaniel

2012 GENERAL LAWS OF MISSISSIPPI, SB 2902

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) McDaniel

To: Business and Financial
Institutions

SENATE BILL NO. 2902
(As Sent to Governor)

AN ACT TO CREATE A RIGHT ON BEHALF OF CERTAIN SUBCONTRACTORS TO PAYMENTS MADE TO A SUBCONTRACTOR FOR MATERIALS OR EQUIPMENT FURNISHED OR LABOR PERFORMED BY THE SUBCONTRACTOR; TO CREATE THE MISDEMEANOR OF NEGOTIATING A DRAFT FOR A PAYMENT OWED TO A SUBCONTRACTOR WITHOUT AUTHORIZATION AND TO CREATE PENALTIES THEREFOR; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) A contractor who undertakes to negotiate a draft made payable to the contractor and any other party must first obtain an endorsement or other written signed authorization of every co-payee on the draft if the draft is tendered in payment for materials or equipment furnished or labor performed by the owner, laborer, supplier or equipment dealer.

(2) A contractor who negotiates a draft without first obtaining an endorsement or other written signed authorization required under this section is guilty of a misdemeanor and shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) per violation, and shall also be ordered by the court to make full restitution to the owner, laborer, supplier or equipment dealer who is entitled to payment from the proceeds of the draft, as well as reasonable attorney's fees incurred by any party to whom restitution is ordered.

SECTION 2. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2903

Description: MS Real Estate Commission; may increase fees for licensure of appraisal management companies.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Three/Fifths

Effective date: July 1, 2012

Chapter Number: 531

History of Actions:

1 02/20 (S) Referred To Business and Financial
Institutions;Accountability, Efficiency, Transparency
2 03/05 (S) DR - TSDPCS: BF To AC
3 03/06 (S) Title Suff Do Pass Comm Sub
4 03/14 (S) Committee Substitute Adopted
5 03/14 (S) Passed
6 03/15 (S) Transmitted To House
7 03/19 (H) Referred To Ways and Means
8 03/29 (H) Title Suff Do Pass As Amended
9 04/05 (H) Read the Third Time
10 04/09 (H) Amended
11 04/09 (H) Passed As Amended
12 04/11 (H) Returned For Concurrence
13 04/18 (S) Decline to Concur/Invite Conf
14 04/24 (S) Conferees Named Jackson (15th), Wilemon, Parks
15 04/25 (H) Conferees Named Smith (39th), Rogers (61st), Reynolds
16 04/27 (S) Conference Report Filed
17 04/27 (H) Conference Report Filed
18 04/28 (H) Conference Report Adopted
19 04/29 (S) Conference Report Adopted
20 05/02 (S) Enrolled Bill Signed
21 05/02 (H) Enrolled Bill Signed
22 05/18 Approved by Governor

Amendments:

[H] Committee Amendment No 1 *Adopted*

[H] Amendment No 1 to Committee Amendment No 1 *Adopted*

Amendment Report for Senate Bill No. 2903

Conference Reports:

Conference Report

Code Section: A 073-0034-0045, A 073-0034-0103

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----- Additional Information -----

Senate Committee: Business and Financial Institutions, Accountability, Efficiency, Transparency

House Committee: Ways and Means

Principal Author: Jackson (15th)

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MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Jackson (15th)

To: Business and Financial
Institutions; Accountability,
Efficiency, Transparency

SENATE BILL NO. 2903
(As Sent to Governor)

AN ACT TO AMEND SECTION 73-34-45, MISSISSIPPI CODE OF 1972, TO REVISE THE MAXIMUM FEES WHICH MAY BE CHARGED BY THE MISSISSIPPI REAL ESTATE COMMISSION FOR THE INITIAL AND RENEWAL LICENSES OF APPRAISAL MANAGEMENT COMPANIES; TO AMEND SECTION 73-34-103, MISSISSIPPI CODE OF 1972, TO REQUIRE AN APPLICANT FOR REGISTRATION AS AN APPRAISAL MANAGEMENT COMPANY TO SUBMIT A SURETY BOND PAYABLE TO THE STATE OF MISSISSIPPI, AND TO CLARIFY THAT THE REGISTRATION PERIOD IS ANNUAL INSTEAD OF BIENNIAL; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-34-45, Mississippi Code of 1972, is amended as follows:

73-34-45. (1) The commission shall charge and collect appropriate fees for its services under this chapter. The fees charged shall not exceed the amounts indicated below and shall be set by the board.

LICENSURE FEES:

Application and examination.....\$225.00
Initial and renewal license.....\$325.00
Delinquent renewal penalty.....100% of renewal fee

SERVICES:

For each change of address.....\$ 25.00
For each duplicate license.....\$ 25.00
To change status as a licensee from active to
inactive.....\$ 25.00
For each bad check received by the commission.....\$ 25.00

(2) (a) The board shall establish the fee to be paid by each appraisal management company making application for registration under this chapter, that is sufficient for the administration regulation and enforcement of the provisions of the

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Mississippi Appraisal Management Company Registration Act (Section 73-34-101 et seq.), but in no case shall the fee for initial registration be more than One Thousand Dollars (\$1,000.00). However, beginning July 1, 2015, the board may increase the registration fee to an amount not to exceed One Thousand Five Hundred Dollars (\$1,500.00) if the board finds the increase necessary for the regulation and enforcement of this chapter.

(b) The board may establish a similar * * * fee, not to exceed One Thousand Dollars (\$1,000.00), * * * for the renewal of any registration, and a delinquent renewal penalty not to exceed one hundred percent (100%) of the renewal fee. However, beginning July 1, 2015, the board may increase the renewal fee to an amount not to exceed One Thousand Five Hundred Dollars (\$1,500.00) if the board finds the increase necessary for the regulation and enforcement of this chapter, and a delinquent renewal penalty not to exceed one hundred percent (100%) of the renewal fee.

(3) All fees charged and collected under this chapter shall be paid by the commission at least once a week, accompanied by a detailed statement thereof, to the credit of the fund known as the "Real Estate Appraisal License Fund," hereby created in the State Treasury. All monies which are collected under this chapter shall be paid into and credited to the fund for the use of the board in carrying out the provisions of this chapter including the payment of salaries and expenses, printing an annual directory of licensees, and for educational purposes. The commission shall submit a monthly statement to the board detailing any expenses which it bears as a share in the expense of administering this chapter, for which expenses it shall be reimbursed in the amount approved by the board. The commission shall prepare an annual statement of income and expenses related to its appraisal related administrative function.

(4) If any applicant for licensing for the examinations given under this chapter before January 1, 1991, prepays the

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examination fee before August 1, 1990, he shall pay a fee of One Hundred Seventy-five Dollars (\$175.00) in lieu of the Two Hundred Twenty-five Dollars (\$225.00) application and examination fee as stated in this section.

(5) The provisions of this section shall stand repealed on July 1, 2016.

SECTION 2. Section 73-34-103, Mississippi Code of 1972, is amended as follows:

73-34-103. (1) It is unlawful for a person to directly or indirectly engage or attempt to engage in business as an appraisal management company in this state or to advertise or hold itself out as engaging in or conducting business as an appraisal management company in this state without first obtaining a registration issued by the Mississippi Real Estate Appraiser Licensing and Certification Board under the provisions of this chapter.

(a) An applicant for registration as an appraisal management company in this state shall submit to the Mississippi Real Estate Commission an application on a form or forms prescribed by the board accompanied by an original or certified copy of a surety bond payable to the State of Mississippi in the amount of Twenty Thousand Dollars (\$20,000.00) for the use, benefit and indemnity of any person who suffers any damage or loss as a result of the appraisal management company's breach of contract or of any obligation arising therefrom or any violation of law.

(b) In the event a registration process is unavailable upon the effective date of this act, an appraisal management company already conducting business in this state may continue to conduct business in accordance with Sections 73-34-101 through 73-34-131 until one hundred twenty (120) days after a registration process becomes available.

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(2) An application for the registration required by subsection (1) of this section shall, at a minimum, include:

(a) The name of the person seeking registration and the fictitious name or names under which he does business in any state;

(b) The business address of the entity seeking registration;

(c) The phone contact information of the entity seeking registration;

(d) If the person is not a corporation that is domiciled in this state, the name and contact information for the person's agent for service of process in this state; * * *

(e) The name, address, and contact information for any individual or any corporation, partnership, or other business entity that owns ten percent (10%) or more of the appraisal management company;

(f) The name, address, and contact information for one (1) controlling person designated as the main contact for all communication between the appraisal management company and the commission;

(g) A certification that the person has a system and process in place to verify that a person being added to the appraiser panel of the appraisal management company holds a license in good standing in this state under the Real Estate Appraiser Licensing and Certification Act if a license or certification is required to perform appraisals;

(h) A certification that the person requires appraisers completing appraisals at its request to comply with the Uniform Standards of Professional Appraisal Practice (USPAP), including the requirements for geographic and product competence;

(i) A certification that the person has a system in place to verify that only licensed or certified appraisers are used for federally related transactions;

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(j) A certification that the person has a system in place to require that appraisals are conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established under Section 129E of the Truth in Lending Act, including the requirements for payment of a reasonable and customary fee to appraisers when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer;

(k) A certification that the person maintains a detailed record of each service request that it receives and the appraiser that performs the residential real estate appraisal services for the appraisal management company;

(l) An irrevocable Consent to Service of Process required under Section 73-34-107;

(m) Any other information required by the board which is reasonably necessary to implement Sections 73-34-101 through 73-34-131.

(3) An application for the renewal of a registration shall include substantially similar information required for the initial registration as noted in subsection (2), as determined by the board.

* * *

(4) A registration granted by the commission under the provisions of Sections 73-34-101 through 73-34-131 shall be valid for one (1) year from the date on which it is issued.

(5) The provisions of this section shall stand repealed on July 1, 2016.

SECTION 3. This act shall take effect and be in force from and after July 1, 2012.

Mississippi Legislature
2012 Regular Session

Senate Bill 2917

Description: State-owned vehicles; provide moratorium on purchase of and reduce total number over certain period of time.

Background Information:

Disposition: Law

Deadline: General Bill/Constitutional Amendment

Revenue: No

Vote type required: Majority

Effective date: July 1, 2012

Chapter Number: 559

History of Actions:

- 1 02/20 (S) Referred To Accountability, Efficiency, Transparency
- 2 03/02 (S) Title Suff Do Pass Comm Sub
- 3 03/14 (S) Committee Substitute Adopted
- 4 03/14 (S) Amended
- 5 03/14 (S) Passed As Amended
- 6 03/14 (S) Motion to Reconsider Entered
- 7 03/16 (S) Motion to Reconsider Tabled
- 8 03/19 (S) Transmitted To House
- 9 03/21 (H) Referred To S.C. Accountblty/Efficiency
- /Transparency; Appropriations
- 10 03/28 (H) DR - TSDP: AC To AP
- 11 04/03 (H) DR - TSDPAA: AP To AC
- 12 04/03 (H) Title Suff Do Pass As Amended
- 13 04/10 (H) Amended
- 14 04/10 (H) Passed As Amended
- 15 04/11 (H) Returned For Concurrence
- 16 04/18 (S) Decline to Concur/Invite Conf
- 17 04/24 (S) Conferees Named Collins, Brown, Polk
- 18 04/25 (H) Conferees Named Turner, Arnold, Huddleston (15th)
- 19 04/30 (S) Conference Report Filed
- 20 04/30 (H) Conference Report Filed
- 21 05/01 (H) Conference Report Adopted
- 22 05/02 (S) Conference Report Adopted
- 23 05/07 (S) Enrolled Bill Signed
- 24 05/08 (H) Enrolled Bill Signed
- 25 05/23 Approved by Governor

Amendments:

- [S] Amendment No 1 (Cmte Sub) *Adopted*
- [S] Amendment No 2 (Cmte Sub) *Adopted*
- [H] Committee Amendment No 1 *Tabled*
- [H] Amendment No 2 *Adopted*

Amendment Report for Senate Bill No. 2917

Conference Reports:
Conference Report

----- Additional Information -----

Senate Committee: Accountability, Efficiency, Transparency

House Committee: S.C. Accountblty/Efficiency/Transparency, Appropriations

Principal Author: Collins

Additional Authors: Hill

2012 GENERAL LAWS OF MISSISSIPPI, SB 2917

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Collins, Hill

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2917
(As Sent to Governor)

AN ACT TO PROVIDE THAT FROM JULY 1, 2012, THROUGH JUNE 30, 2013, THE BUREAU OF FLEET MANAGEMENT, DEPARTMENT OF FINANCE AND ADMINISTRATION, SHALL NOT APPROVE THE PURCHASE, LEASE OR ACQUISITION OF A MOTOR VEHICLE BY A STATE AGENCY; TO REQUIRE CERTAIN STATE AGENCIES TO REDUCE THE TOTAL NUMBER OF MOTOR VEHICLES EACH YEAR BY A CERTAIN PERCENTAGE; TO PROVIDE FOR EXEMPTIONS TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) For purposes of this section, the term "state agency" means any agency that is subject to oversight by the Bureau of Fleet Management of the Department of Finance and Administration under Section 25-1-77.

(2) Except as otherwise provided in this section, beginning on July 1, 2012, through June 30, 2013, the Bureau of Fleet Management, Department of Finance and Administration, shall not approve the purchase, lease or acquisition of any motor vehicle by a state agency, regardless of the source of funds used.

(3) Beginning July 1, 2012, any state agency with a fleet of more than fifty (50) motor vehicles shall reduce the total number of its motor vehicles by two percent (2%) each fiscal year until June 30, 2016. The Bureau of Fleet Management and the State Auditor shall work together to enforce the provisions of this subsection.

(4) The provisions of subsections (2) and (3) of this section, with regard to the purchase, lease or acquisition of vehicles and to the mandatory reduction of the agency's fleet of vehicles, shall not apply to:

2012 GENERAL LAWS OF MISSISSIPPI, SB 2917

(a) A state agency's law enforcement or emergency vehicles, upon demonstrating to the Bureau of Fleet Management a justifiable need to be excluded from the provisions of subsections (2) and (3) of this section.

(b) A state agency's vehicles that are acquired by the use of grant monies that are specified to be used for that purpose.

SECTION 2. This act shall take effect and be in force from and after July 1, 2012.

**Mississippi Legislature
2012 Regular Session**

Senate Bill 2934

Description: Income tax; increase credit for ad valorem tax paid on inventory.

Background Information:

Disposition: Law

Deadline: Revenue

Revenue: Yes

Vote type required: Three/Fifths

Effective date: July 1, 2012

Chapter Number: 523

History of Actions:

- 1 03/05 (S) Referred To Finance
- 2 03/27 (S) Title Suff Do Pass
- 3 03/28 (S) Amended
- 4 03/28 (S) Passed As Amended
- 5 03/29 (S) Motion to Reconsider Entered
- 6 03/29 (S) Motion to Reconsider Tabled
- 7 03/29 (S) Transmitted To House
- 8 03/30 (H) Referred To Ways and Means
- 9 04/12 (H) Title Suff Do Pass As Amended
- 10 04/12 (H) Read the Third Time
- 11 04/17 (H) Amended
- 12 04/17 (H) Passed As Amended
- 13 04/18 (H) Returned For Concurrence
- 14 04/19 (S) Decline to Concur/Invite Conf
- 15 04/24 (S) Conferees Named Fillingane, Flowers, Butler (38th)
- 16 04/25 (H) Conferees Named Smith (39th), Rogers (61st), Baker
- 17 04/27 (S) Conference Report Filed
- 18 04/27 (H) Conference Report Filed
- 19 04/28 (H) Conference Report Adopted
- 20 04/30 (S) Conference Report Adopted
- 21 05/01 (S) Motion to Reconsider Entered
- 22 05/01 (S) Motion to Reconsider Tabled
- 23 05/02 (S) Enrolled Bill Signed
- 24 05/02 (H) Enrolled Bill Signed
- 25 05/14 Approved by Governor

Amendments:

- [S] Amendment No 1 **Adopted**
- [S] Amendment No 2 **Adopted**
- [H] Committee Amendment No 1 **Lost**
- [H] Amendment No 1 to Committee Amendment No 1 **Adopted**
- [H] Amendment No 2 **Adopted**

Amendment Report for Senate Bill No. 2934

Conference Reports:

2012 GENERAL LAWS OF MISSISSIPPI, SB 2934

Conference Report

Code Section: A 027-0007-0022.5

----- Additional Information -----

Senate Committee: Finance

House Committee: Ways and Means

Principal Author: Fillingane

2012 GENERAL LAWS OF MISSISSIPPI, SB 2934

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2012

By: Senator(s) Fillingane

To: Finance

SENATE BILL NO. 2934
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-7-22.5, MISSISSIPPI CODE OF 1972, TO INCREASE THE INCOME TAX CREDIT FOR AD VALOREM TAXES PAID BY TAXPAYERS ON CERTAIN INVENTORY; TO INCLUDE RAW MATERIALS OR WORKS-IN-PROCESS IN THE TYPE OF INVENTORY COVERED BY THE CREDIT; TO AUTHORIZE ANY TAX CREDIT CLAIMED UNDER THIS SECTION BUT NOT USED IN ANY TAXABLE YEAR TO BE CARRIED FORWARD FOR FIVE CONSECUTIVE YEARS FROM THE CLOSE OF THE TAX YEAR IN WHICH THE CREDIT WAS EARNED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-7-22.5, Mississippi Code of 1972, is amended as follows:

27-7-22.5. (1) For any manufacturer, distributor, wholesale or retail merchant who pays to a county, municipality, school district, levee district or any other taxing authority of the state or a political subdivision thereof, ad valorem taxes imposed on commodities, raw materials, works-in-process, products, goods, wares and merchandise held for resale, a credit against the income taxes imposed under this chapter shall be allowed for the portion of the ad valorem taxes so paid in the amounts prescribed in subsection (2).

(2) The tax credit allowed by this section shall not exceed the amounts set forth in paragraphs (a) through (g) of this subsection; * * * and may be claimed for each location where such commodities, raw material, works-in-process, products, goods, wares and merchandise are found and upon which the ad valorem taxes have been paid. Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) consecutive years from the close of the tax year in which the credit was earned.

2012 GENERAL LAWS OF MISSISSIPPI, SB 2934

(a) For the 1994 taxable year, the tax credit for each location of the taxpayer shall not exceed the lesser of Two Thousand Dollars (\$2,000.00) or the amount of income taxes due the State of Mississippi that are attributable to such location.

(b) For the 1995 taxable year, the tax credit for each location of the taxpayer shall not exceed the lesser of Three Thousand Dollars (\$3,000.00) or the amount of income taxes due the State of Mississippi that are attributable to such location.

(c) For the 1996 taxable year, the tax credit for each location of the taxpayer shall not exceed the lesser of Four Thousand Dollars (\$4,000.00) or the amount of income taxes due the State of Mississippi that are attributable to such location.

(d) For the 1997 taxable year and each taxable year thereafter through taxable year 2013, the tax credit for each location of the taxpayer shall not exceed the lesser of Five Thousand Dollars (\$5,000.00) or the amount of income taxes due the State of Mississippi that are attributable to such location.

(e) For the 2014 taxable year, the tax credit for each location of the taxpayer shall not exceed the lesser of Ten Thousand Dollars (\$10,000.00) or the amount of income taxes due the State of Mississippi that are attributable to such location.

(f) For the 2015 taxable year, the tax credit for each location of the taxpayer shall not exceed the lesser of Fifteen Thousand Dollars (\$15,000.00) or the amount of income taxes due the State of Mississippi that are attributable to such location.

(g) For the 2016 taxable year and each taxable year thereafter, the tax credit of the taxpayer shall be the lesser of the amount of the ad valorem taxes described in subsection (1) paid or the amount of income taxes due the State of Mississippi that are attributable to such location.

(3) Any amount of ad valorem taxes paid by a taxpayer that is applied toward the tax credit allowed in this section may not be used as a deduction by the taxpayer for state income tax

purposes. In the case of a taxpayer that is a partnership, limited liability company or S corporation, the credit may be applied only to the tax attributable to partnership, limited liability company or S corporation income derived from the taxpayer.

SECTION 2. This act shall take effect and be in force from and after July 1, 2012.

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